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Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretariat

In the present report, the Special Rapporteur focuses on the phenomenon of xenophobia and its conceptualization, trends and manifestations.

The Special Rapporteur expresses the view that in the context of an acute migration crisis, which is further exacerbating prejudice and discrimination and is worsening the situation of vulnerable groups, a clear definition of xenophobia is needed in responding to the crisis. The Special Rapporteur proposes that xenophobia can be said to exist when individuals are denied equal rights on account of the real or perceived geographic origins of the said individuals or groups, or the values, beliefs and or practices associated with such individuals or groups that make them appear as foreigners or "outsiders". This may be explicit and obvious, such as discrimination against recent migrants or refugees. It may also be less directly tied to a recent migration history and may target members of different communities who have lived alongside each other for generations.

The Special Rapporteur lays down key elements that need to be taken into consideration in order to enhance the effectiveness of policies and measures to combat xenophobia.

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Contents

		Page
I.	Introduction	3
II.	Activities of the Special Rapporteur	3
	A. Country visits	3
	B. Other activities	3
III.	Xenophobia	4
	A. International and regional legal and policy frameworks	4
	B. Defining xenophobia	9
	C. Trends and manifestations	11
IV.	Conclusion and recommendations	19
	A. Local diagnosis	20
	B. Prevention	21
	C. Promoting social solidarity	21
	D. Scale of intervention	21
	E. Complementarity and coordinated sectorial strategies	22
	F. Review and assessment	22

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 25/32. In the report, the Special Rapporteur attempts to bring clarity to the concept of xenophobia, provides an overview of the different applicable norms and frameworks prohibiting xenophobia that have been adopted at the international, regional and national level, and discusses manifestations of the phenomenon of xenophobia.

2. Across the world, millions of people live outside their countries of origin. For many, migration offers the potential for protection from crises, poverty reduction, and heightened profits and innovation as they contribute to the economic and social lives of their host countries. However, with increased migration flows, the world has also witnessed the exacerbation of existing xenophobia and of xenophobic discrimination across the globe. The Special Rapporteur notes that international law defines neither xenophobia nor xenophobic discrimination. The Durban Declaration and Programme of Action, of 2001, acknowledged xenophobia as one of the main contemporary sources and forms of discrimination and conflict, which required urgent attention and prompt action by States, as well as by the international community. The present report draws on an expert consultation that was held at the African Centre for Migration and Society, University of the Witwatersrand, Johannesburg, South Africa, on 30 November and 1 December 2015, where participants from all geographic regions discussed the manifestations of xenophobia in different regions and underscored the need for further research on strategies for combating xenophobia in order to assist stakeholders in developing effective policies and plans of action.

II. Activities of the Special Rapporteur

A. Country visits

3. The Special Rapporteur would like to thank the Governments of Argentina, Australia and Morocco for agreeing to dates for visits in May and November of 2016 and in early 2017, respectively. He hopes to receive an invitation to visit Fiji, Japan and South Africa shortly. The Special Rapporteur urges States that have not yet responded positively to his visit request to do so.

4. The Special Rapporteur visited Greece from 4 to 8 May 2015 (see A/HRC/32/50/Add.1). He expresses his gratitude to the Government for its full support and cooperation in the preparation and conduct of his visit in spite of the numerous economic challenges being faced and the ongoing migration crisis affecting the country.

B. Other activities

5. On 5 August 2015, the Special Rapporteur delivered a statement at the second Annual Law Conference at Strathmore University in Nairobi. On 3 November 2015, on the margins of his presentation to the General Assembly in New York, he took part as a keynote speaker in a special event celebrating the International Decade for People of African Descent, entitled "Confronting the silence: perspectives and dialogue on structural racism against people of African descent worldwide". On 21 and 22 November 2015, he took part in a meeting on discrimination and religion, which was organized by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law and was held in Istanbul. On 25 November 2015, the Special Rapporteur participated in the eighth session of the Forum on Minority Issues, which looked at the issue of minorities in the criminal justice system.

On 26 November 2015, he took part in the official commemoration of the fiftieth anniversary of the International Convention on the Elimination of All Forms of Racial Discrimination, in Geneva.

III. Xenophobia

A. International and regional legal and policy frameworks

1. Overview of the applicable international legal framework

6. The Special Rapporteur would like to recall that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights define discrimination as any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on, inter alia, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. These provisions apply equally to racial and ethnic minorities and to foreign nationals such as migrants.

7. The provisions of the International Covenant on Civil and Political Rights apply to all, irrespective of nationality or statelessness.[1] Article 2 stipulates that each State party to the Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind, including on the grounds of national or social origin, birth or other status. The Human Rights Committee, in its general comment No. 15 (1986) on the position of aliens under the Covenant, has stated that "the general rule is that each one of the rights of the Covenant must be guaranteed without discrimination between citizens and aliens".[2]

8. In its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, the Committee on Economic, Social and Cultural Rights noted that non-nationals "may face systemic discrimination in both the public and private sphere in the exercise of their Covenant rights".[3] It emphasized that nationality or immigration status "should not bar access to Covenant rights", pointing out, for example, that all children within a State, including those that are undocumented, are entitled to receive education and access to adequate food and affordable health care".[4] The Committee highlighted the fact that the rights under the International Covenant on Economic, Social and Cultural Rights extend to refugees, asylum seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status.[5]

9. In the International Convention on the Elimination of All Forms of Racial Discrimination, racial discrimination is defined as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. The Convention prohibits national legislation that discriminates against any particular nationality. Although States parties may restrict a limited number of rights to citizens, the Committee on the Elimination of Racial

[1] Human Rights Committee, general comment No. 15 (1986) on the position of aliens under the Covenant, para. 1.
[2] Ibid, para. 2.
[3] See para. 24.
[4] See para. 30.
[5] See para. 30.

Discrimination has stated, in its general recommendation No. 30 (2004) on discrimination against non-citizens, that "differential treatment based on citizenship or immigration status will constitute discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim". Under article 2 of the Convention, States parties undertake to encourage integrationist multiracial organizations and movements and other means of eliminating barriers between races. In addition, article 4 requires States parties to condemn all propaganda and organizations based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, by declaring as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts, and by declaring illegal and prohibiting organizations which promote and incite racial discrimination. Finally, under article 7 of the Convention, States parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups. The Committee on the Elimination of Racial Discrimination has underscored that States have an obligation to dismantle discriminatory structures, in addition to tackling intentional discrimination. It has also recommended that States take measures "to eliminate discrimination against non-citizens in relation to working conditions and work requirements, including employment rules and practices with discriminatory purposes or effects".[6] Furthermore, it has underscored that the Convention provides for protection of racial and ethnic groups that today are especially vulnerable to discrimination driven by xenophobia.[7]

10. A number of other international instruments specifically prohibit discrimination against certain groups. In its general comment No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee on the Elimination of Discrimination against Women clarified that the Convention necessarily applies to sex- and gender-based discrimination that disproportionately affects certain women on account of their race, ethnicity, religion or belief, caste or other status.[8] In its general recommendation No. 26 (2008) on women migrant workers, the Committee on the Elimination of Discrimination against Women calls for non-discrimination and equal rights for migrant workers specifically, highlighting the double impact of gender-based discrimination and xenophobia.[9] The Convention on the Rights of the Child, in article 2, requires States parties to extend and enforce the rights that it provides to all children, without discrimination based on the child's or his or her parent's nationality, ethnic or social origin, birth or other status. Specifically addressing the question of non-discrimination in respect of indigenous children, the Committee calls for the elimination of discriminatory attitudes and practices through the implementation of public information and educational measures.[10] Under the United Nations Declaration on the Rights of Indigenous Peoples, States are called upon to provide effective mechanisms for

[6] Committee on the Elimination of Racial Discrimination, general recommendation No. 30 (2004) on discrimination against non-citizens, para. 33.

[7] Committee on the Elimination of Racial Discrimination, general recommendations No. 34 (2011) on racial discrimination against people of African descent, para. 3, and No. 27 (2000) on discrimination against Roma, para. 5.

[8] See para. 6.

[9] See para. 14.

[10] Committee on the Rights of the Child, general comment No. 11 (2009) on indigenous children and their rights under the Convention, paras. 27 and 29.

prevention of, and redress for, inter alia, any form of propaganda designed to promote or incite discrimination based on indigenous identity or origin (art. 8).

11. International frameworks specifically applicable to refugees, stateless persons, internally displaced persons, migrant workers, women and children all contain relevant provisions to combat forms of discrimination that may be rooted in xenophobia. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families guarantees a minimum universal standard of human rights protections irrespective of the migrant workers' legal status. States parties are under a positive obligation to ensure equality of treatment with that of nationals in areas including social security benefits (art. 27), detention (art. 17), emergency medical care (art. 28) and the child's right to access education (art. 30). Furthermore, all migrant workers are entitled to treatment not less favourable than that of nationals with respect to remuneration, conditions of work and terms of employment (art. 25). The Committee on Migrant Workers has called upon States parties to take effective measures, such as hate crime legislation and raising public awareness, to combat all manifestations of racism, xenophobia or related intolerance against migrant workers and members of their families.

12. The Convention relating to the Status of Refugees prohibits States parties from discriminating against refugees on the grounds of their race, religion or country of origin (art. 3). The Office of the United Nations High Commissioner for Refugees (UNHCR) has found that negative public attitudes towards refugees and other vulnerable foreign nationals threaten efforts to protect these groups, and has called for the enactment of hate crimes legislation and measures to promote tolerance, in the framework of the fight against xenophobia.

13. Article 3 of the Convention relating to the Status of Stateless Persons prohibits discrimination against stateless persons on the basis of their race, religion or country of origin. Article 9 of the Convention on the Reduction of Statelessness prohibits States parties from depriving any person or group of their nationality on racial, ethnic, religious or political grounds. The Guiding Principles on Internal Displacement state that internally displaced persons "shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced".

14. A number of the conventions of the International Labour Organization also prohibit discrimination, including the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which protects all workers — nationals and non-nationals alike — from discrimination in equality of opportunity in regard to employment or occupation. The Migration for Employment Convention (Revised), 1949 (No. 97) prohibits discrimination against migrant workers on the basis of nationality (art. 6). Article 3 of the same Convention places an obligation on the State to take all appropriate steps against misleading propaganda relating to emigration and immigration. The Domestic Workers Convention, 2011 (No. 189) obliges the State to address the particular vulnerabilities of migrant domestic workers to discriminatory practices.

2. Regional legal and policy frameworks

(a) Inter-American system

15. The Organization of American States has significant legally binding instruments that are central to combating xenophobia and its manifestations. The Charter of the Organization of American States proclaims the fundamental rights of the individual without distinction as to race, nationality, creed or sex.

16. Article 1 of the American Convention on Human Rights prohibits discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or

social origin, economic status, birth or any other social condition. The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) obliges States parties to guarantee economic, social and cultural rights without discrimination of any kind on the grounds of national or social origin (art. 3).

17. The Inter-American Commission on Human Rights has noted that xenophobia emerges more acutely in societies in the region that receive foreign workers and are already stratified along racial and ethnic lines. The jurisprudence of the Inter-American Court of Human Rights has emphasized that regional human rights protections are important for migrants who may be victims of xenophobia and its manifestations, and has underscored the vulnerability of irregular migrants and the need for governments to take special measures to ensure their protection.[11] In its 2003 advisory opinion on the juridical condition and rights of undocumented migrants, the Inter-American Court of Human Rights advised that all non-citizens, regardless of their status or their migratory situation, were entitled to the enjoy the right to non-discrimination and equality as citizens.

18. The Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance explicitly prohibits States parties from adopting any national security measures that are directly or indirectly discriminatory (art. 8). This Convention, which was adopted in 2013, is yet to come into force, as none of the signatories have ratified it to date. The Latin American Parliament has passed a law that obliges States to adopt measures to prevent xenophobia, protect the rights of workers regardless of immigration status, and guarantee the political, social and cultural rights of migrant workers and their families. This legislation is not binding on member States until it is transposed to the national level.[12] The Special Rapporteur recommends that member States adopt these instruments.

(b) Africa

19. The African Charter on Human and Peoples' Rights[13] stipulates in article 2 that "every individual shall be entitled to the enjoyment of the rights and freedoms... without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status". Additionally, article 28 provides that "every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance", thus promoting solidarity within societies.

20. Article 4 of the Convention Governing the Specific Aspects of Refugee Problems in Africa (1969 OAU Convention) provides that the provisions of the Convention shall apply to "all refugees without discrimination as to race, religion, nationality, membership of a particular social group or political opinions". The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) prohibits discrimination against internally displaced persons "in the enjoyment of any rights or freedoms on the grounds that they are internally displaced persons".[14] The Kampala Convention also requires States parties to prevent arbitrary displacement by preventing

[11] Inter-American Court of Human Rights, *Nadege Dorzema v. Dominican Republic* (official summary), 24 October 2012.

[12] Latin American Parliament, *Proyecto de ley marco sobre migración en América Latina y el Caribe, trabajadores, familias y grupos vulnerables* (arts. 4, 5, 6, 10, 11 and 15). Available from http://www.parlatino.org/es/proyecto-leyes-marcos (accessed on 10 May 2016).

[13] Available from www.achpr.org/instruments/achpr (accessed on 10 May 2016).

[14] See art. 9.

"political, social, cultural and economic exclusion and marginalization that are likely to cause displacement of populations or persons by virtue of their social identity, religion or political opinion".[15]

(c) Europe

21. Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and article 1 of Protocol No. 12 thereto require States parties to secure enjoyment of the rights "without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status". The European Court of Human Rights has requested member States to give due consideration to racist or xenophobic intention in the commission of crimes, during the final assessment of penalties.[16] Moreover, the court has emphasized that States parties must investigate and enact sanctions with respect to racist or xenophobic acts.[17]

22. The Framework Convention for the Protection of National Minorities, of 1995, calls upon States parties to "protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity". Additionally, the European Convention on the Legal Status of Migrant Workers requires signatories to eliminate discrimination in national legislation so as to provide equal treatment to migrant workers.

23. The European Commission against Racism and Intolerance has emphasized the need for States to adopt criminal, civil and administrative law provisions expressly countering racism, xenophobia, anti-Semitism and intolerance.[18] It has also called on member States to establish specialized advisory, supervisory and grievance bodies at the national level to counter such prejudice.[19]

24. The European Union's Racial Equality Directive[20] prohibits both direct and indirect discrimination in member States on the basis of race or ethnicity, with respect to employment and access to other social services such as education, social security, health care, social advantages, and supply of goods and services. In November 2008, the Council of Europe adopted the Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, which is aimed at harmonizing substantive criminal law on racist and xenophobic offences. This is to ensure that the same conduct constitutes an offence in all countries of the European Union and that no person can escape liability by changing jurisdiction.

25. The Audiovisual Media Services Directive requires member States to ensure that services provided by audiovisual media services providers do not contain any incitement to hatred based on race, sex, religion or nationality. In addition, member States should ensure that media services providers comply with the requirement that audiovisual commercial communications must not prejudice respect for human dignity or include or promote any

[15] See art. 3.

[16] European Court of Human Rights, *Nachova and others v. Bulgaria* (Nos. 43577/98 and 43579/98), 6 July 2005; and *Stoica v. Romania*, (No. 42722/02), 4 March 2008.

[17] Ibid.

[18] European Commission against Racism and Intolerance, general policy recommendation No. 1.

[19] European Commission against Racism and Intolerance, general policy recommendation No. 2.

[20] Council Directive 2000/43/EC.

discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation.[21]

B. Defining xenophobia

26. As already mentioned, there is no internationally recognized legal definition of xenophobia, not even in the various international and regional policy instruments that seek to combat this phenomenon. At the international level, the joint United Nations publication prepared for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that was held in Durban, South Africa, noted that the definition of xenophobia, and its relationship to racism and racial discrimination, remained evolving concepts.[22] The present report adopts the conception of xenophobia that was advanced in that publication, which suggests that xenophobia "denotes behaviour specifically based on the perception that the other is foreign to or originates from outside the community or nation".[23]

27. It is worth noting that the joint publication attempts to distinguish between racism and xenophobia, while acknowledging a significant overlap between the two. Indeed, while racism has been defined as "an ideological construct that assigns a certain race and/or ethnic group to a position of power over others on the basis of physical and cultural attributes, as well as economic wealth, involving hierarchical relations where the 'superior' race exercises domination and control over others",[24] xenophobia has been described as "attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity… In many cases, it is difficult to distinguish between racism and xenophobia, since differences in physical characteristics are often assumed to distinguish the 'other' from the common identity. However, manifestations of xenophobia also occur against people of identical physical characteristics, even of shared ancestry, when such people arrive, return or migrate to States or areas where occupants consider them as outsiders."[25]

28. Xenophobia intersects with racism in so far as the (racialized) other is also seen as an outsider or foreign and is feared or is perceived to be a threat. This same dynamic occurs with other groups that have been historically discriminated against on the basis of religion, ethnicity, national origin, sex, sexual orientation or gender identification. Subaltern groups are more likely to be subject to xenophobia precisely because of their place "outside" the dominant community identity. A joint United Nations publication issued in 2015 noted that "migrants are particularly vulnerable to discrimination because their ethnicity, race or religion often differs from those of most people in the host country. Women migrants often face discrimination on multiple grounds of sex, ethnicity, religion and migratory status. There is increasing evidence of racism and xenophobia in destination countries against migrant populations who come from other cultures."[26]

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[21] European Commission against Racism and Intolerance, general policy recommendation No. 15, para. 51.

[22] International Labour Organization (ILO), International Organization for Migration (IOM), Office of the United Nations High Commissioner for Human Rights (OHCHR), *International Migration, Racism, Discrimination and Xenophobia* (2001). Available from www.unesco.org/most/migration/imrdx.pdf (accessed on 11 May 2016).

[23] Ibid., p. 2.

[24] Ibid., pp. 1 and 2.

[25] Ibid., p. 2.

[26] Inter-Parliamentary Union, ILO and OHCHR, *Migration, Human Rights and Governance: Handbook for Parliamentarians No. 24* (2015), p. 84.

29. Specifically, xenophobia must also be understood as rooted in particular histories and political projects. For example, in the Durban Declaration and Programme of Action, Member States of the United Nations identified the slave trade and colonialism as major sources and manifestations of xenophobia, and of other related forms of intolerance. Hence, vestiges of slavery, systems of apartheid, colonialism, and the displacement or genocide of indigenous peoples in the construction of the nation State are proper intersections to consider in addressing the phenomenon of xenophobia, where whole peoples were left outside the national project or marginalized. Significantly, we must avoid presuming that histories of inclusion and exclusion exist mainly or only in relation to national territories. One of the legacies of colonialism is fragmented polities based on exclusion and distrust among fellow citizens. Political projects related to nation-building or to the formation or maintenance of regional political communities can also produce xenophobic rhetoric. This xenophobic rhetoric, especially when espoused by political and other leaders, can be a factor in the incitement of attacks against — or other forms of abuse of — "outsiders" however defined.

30. In the current era of increased mobility, manifestations of xenophobia are both myriad and alarmingly on the rise. Increasingly widespread forms of overt physical violence, hate speech, and intentional, implicit and structural discrimination are rooted in xenophobia. Xenophobia can refer to explicitly held prejudice expressed verbally or violently and can also be manifested through a wider range of discriminatory practices, policies and structures. While many forms of xenophobia relate to exclusion from a national territory, xenophobia may also be manifest in efforts to exclude groups from areas of a country, of a city or even of a neighbourhood. It may also appear in efforts to exclude persons or particular groups from accessing public or private services, institutions or resources. Regardless of the way in which it manifests itself, xenophobia violates the fundamental principles of equality and non-discrimination that are at the core of international human rights law.

31. Similarly, certain socioeconomic conditions are strongly correlated — but not determinative — of xenophobic sentiments and acts. It was stressed in the Durban Declaration, for example, that "poverty, underdevelopment, marginalization, social exclusion and economic disparities"[27] were closely associated with xenophobia and other forms of related intolerance. Perceived and actual material scarcity, heightened by economic crises, has in some cases contributed to increased manifestations of xenophobia, as "insiders" seek to exclude "outsiders" whom they view as undeserving competitors for public and private resources. While such conditions may increase the likelihood of xenophobia, they do not determine its presence or form.

32. A range of different actors may contribute to xenophobic discrimination, including individuals acting alone, individuals acting in concert through informal groups, or formal collectives which can include religious, political and economic organizations. Among these actors are politicians, law enforcement and border control agents, including private security forces, and even persons from the media, who may contribute to the stigmatization of certain groups. Xenophobia may also be embedded in legal and policy frameworks, and in institutions, that have either the purpose or the effect of discriminating against those considered "outsiders" or foreigners, thereby denying them enjoyment of fundamental rights and freedoms.

33. In the Durban Declaration, Member States of the United Nations noted that "xenophobia against non-nationals, particularly migrants, refugees and asylum seekers, constitutes one of the main sources of contemporary racism" and that "human rights

[27] Durban Declaration, para. 18.

violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices".[28] Member States also highlighted the continuing vulnerability of Africans and people of African descent, Asians and people of Asian descent, and indigenous peoples, to xenophobia and related intolerance. Indeed, xenophobia is also often conditioned by other forms of bias and hierarchy, meaning that its targets will often include those labelled outsiders for expressing particular gender characteristics, working in certain economic sectors, falling within an age or income range, or holding distinct religious beliefs. The contemporary rise of anti-Muslim sentiment in various regions around the world highlights the vulnerability of religious minorities in communities where they are socially or politically constructed as outsiders. In that regard, one could also underscore the historical and lingering anti-Semitism in some parts of Europe.

34. Victims of xenophobia and xenophobic discrimination are targeted on account of their actual or perceived status as foreigners. Individuals or groups may be targeted as foreign on account of the multiple and intersecting categories of race, colour, ethnicity, religion, national origin, lineage, nationality, sex, gender, sexual orientation, social class and language, among others. Thus, many manifestations of xenophobic discrimination are proscribed under existing international, regional and national law prohibiting discrimination on these multiple and intersecting grounds. Although existing international and regional human rights law may not use the term "xenophobic discrimination", it applies to that form of discrimination where those who are considered "foreigners" or "outsiders" are targeted on the basis of the prohibited grounds of discrimination. The applicable frameworks discussed below apply to direct and indirect forms of discrimination, and in some cases to discriminatory structures that unlawfully exclude non-nationals and other minorities that are often subjected to xenophobia including Islamophobia, anti-Semitism, Christianophobia, Romaphobia, Afrophobia and other forms of related intolerance.

35. Frameworks for combating xenophobia and xenophobic discrimination should be implemented bearing in mind the vulnerability of the groups concerned. While States should carefully monitor incidents of discrimination against a wide range of potentially vulnerable groups — inter alia, ethnic or religious minorities, migrants and refugees — the responses to such discrimination should be designed and implemented in a manner that does not turn difference into additional fuel for further abuse and into a foundation for more vulnerability." As a concrete example of such adverse effects, the European Commission against Racism and Intolerance noted in its 2014 annual report that in some countries, legislation against hate speech had been disproportionately used against the historical ethnic and religious minorities that it was supposed to protect.

C. Trends and manifestations

36. The movement of millions of people due to conflict and persecution but also to search for better economic and social opportunities has transformed a large number of societies across the globe. According to the Department of Economic and Social Affairs, there are now close to 244 million people living outside their country of citizenship, representing a 41 per cent increase since 2000.

37. With migration, an exacerbation of long-standing divides around, inter alia, race, ethnicity, religion, cultural identities and geographic origins has been observed. These tensions have often led to discrimination, including xenophobic discrimination, and at times to conflicts.

[28] Ibid, para. 16.

38. Xenophobia manifests itself in multiple forms that can be characterized according to the severity, scale, and modality of expression. At its most severe, xenophobia can lead to the expulsion or eradication of population groups. In such instances, State or private actors have targeted a population group — usually citizens — with overt violence or threats. These occurrences have sometimes taken the form of genocide, and although not all forms of genocide are xenophobic, xenophobia often shares with genocide a desire to confirm ethnic supremacy by eradicating those that it considers as outsiders. At the other end of the spectrum — the most micro and informal level — one finds discrimination that can range from bullying to mild hate speech premised on a person's language, appearance or origins, which may even happen in the school playground. Between the two extremes, there is a range of practices, inter alia: political scapegoating, administrative exclusion, selective and restrictive immigration policies, ethnicized competition and conflict, targeted gang violence, police harassment and profiling, stereotyping in the State-owned media and the privately owned media and on social networks, and exclusive selection criteria for schools or neighbourhood associations.

39. The forms of discrimination and the causes of discrimination against perceived outsiders, as well as the language used against them, vary considerably and are often contextually conditioned and site-specific. However, a number of global trends can be observed. Perhaps most notable among these has been political and popular language and policy that codes certain groups or subgroups (whether citizens or immigrants) as threats to the security of the State. These groups are often accused of undermining the stability of the State.

40. Various studies provide explanations for and causes of xenophobic attitudes and practices. These arguments should be considered as complementary rather than competitive perspectives. Some have rooted discrimination and bias in human psychology, asserting that people are naturally and inherently scared of those they perceive to be different, or outsiders, even when there is no demonstrable threat. Distrust and discrimination may well be natural human characteristics, however the targets of such bias are not predetermined; instead, ignorance, a lack of education and knowledge about migrants and/or foreigners, or socialization itself may contribute to xenophobic attitudes and expressions. Other studies have pointed out that in times of economic, political or social instability, people often experience a "deficit of belonging", which leads to a tendency to draw boundaries as a way of achieving individual or collective security.

41. The divisions triggered by the creation of modern political systems have also been identified as a possible cause of xenophobia. This perspective acknowledges the fact that nation States often legitimize ideals of cultural homogeneity in ways that make others — particularly those deemed unassimilable — inherently threatening. This is evident in hostile populist, nationalist political discourse and policies based on the exclusion, rejection and expulsion of "outsiders" including minority groups.

42. More nuanced political perspectives recognize the role played by bias entrepreneurs in achieving mobilization on discriminatory grounds. These may include individuals or groups within or outside government, aspirants for office or incumbents, members of civil society, or those operating as gangs or as informal leaders elsewhere in the community. These "social entrepreneurs", who often build on existing or manufactured moral, economic, security or political crises, scapegoat individuals belonging to a particular ethnicity, religion or nationality or to another axis of differentiation as being responsible for past, current or future threats. Over the past decade, this has been evidenced in practices and policies towards migrants, refugees, asylum seekers and minorities, who are being framed as posing a threat to jobs, to welfare and sometimes to cultural dominance.

(a) Africa

43. Although discrimination against minority groups and immigrants is rarely termed xenophobia across much of Africa, patterns of bias are widespread and have sometimes led to attempts at ethnic cleansing. This has included official policies of exclusion, marginalization and expulsion, alongside forms of violence and more subtle patterns of discrimination. Forms of bias are often negotiated at the subnational level with or without government involvement. Although in many places there are extraordinarily high levels of cultural heterogeneity in which conflict and widespread discrimination are not present, conflicts have often occurred in areas where there is limited formal regulation and limited State presence.[29]

44. As in other parts of the world, acute economic hardship combined with the emergence of competitive politics has created a pool of grievances and incentives for mobilization.[30] As some post-colonial States became weaker, identity politics further became dominant modes of mobilization, inflaming conflict and unrest.[31] A powerful language of indigeneity and nation building was brought along in the post-colonial era. National identity, citizenship, belonging, was previously mobilized as a struggle against colonial rule; post-independence, the politics of citizenship based on autochthony, indigeneity, and authenticity have been widely used to create the insider and outsider[32] dichotomy within the State. Furthermore, such political approaches have also been used in efforts to disqualify political opponents based on challenges to their citizenship, potentially fuelling broader xenophobic sentiments and legitimizing exclusionary nation-building strategies.[33] The electoral crisis and preceding civil war in Côte d'Ivoire illustrates these phenomena.[34]

45. Due to the multi-ethnic nature of most post-colonial African states, xenophobic discrimination within Africa often overlaps considerably with ethnocentrism.[35] Amidst the widespread discrimination against immigrants, there has also been discrimination against long-standing immigrant groups or against "local minorities", who are perceived as non-legitimate or outsiders.[36] This is perhaps most evident during times of overt political violence in which one group seeks to control State institutions or territory by expelling or

[29] Joshua D. Kirshner, "We are Gauteng People: challenging the politics of xenophobia in Khutsong, South Africa", *Antipode*, vol. 44, issue 4 (September 2012), pp. 1307-1328.

[30] Christopher J. Gray, "Cultivating citizenship through xenophobia in Gabon", *Africa Today*, vol. 45, No. 3-4, pp. 389-409; Nadine Sika, "Irregular migration in North Africa: Libya, Tunisia and Algeria", Partners in Development; and Bonaventure Rutinwa, "The end of asylum? The changing landscape of refugee policies in Africa", *Refugee Survey Quarterly*, vol. 21, issue 1-2 (2002), pp. 12-41.

[31] Sabelo J. Ndlovu-Gatsheni, "Do 'Africans' exist? Genealogies and paradoxes of African identities and the discourses of nativism and xenophobia", *African Identities*, vol. 8, issue 3 (2010).

[32] Francis B. Nyamnjoh, "Racism, ethnicity and the media in Africa: reflections inspired by studies of xenophobia in Cameroon and South Africa", *Africa Spectrum*, vol. 45, No. 1, pp. 57-93; and Norbert Kersting, "New nationalism and xenophobia in Africa: a new inclination?", *Africa Spectrum*, vol. 44, No. 1, pp. 7-18.

[33] Beth I. Whitaker, "Citizens and foreigners: democratization and the politics of exclusion in Africa", *African Studies Review*, vol. 48, issue 01 (2005), pp. 109-126.

[34] See A/HRC/19/72, paras. 15-18.

[35] Abu Bakarr Bah, "Democracy and civil war: citizenship and peacemaking in Côte d'Ivoire", *African Affairs*, vol. 109, issue 437 (2010), pp. 597-615.

[36] Loren B. Landau, "Introducing the demons", in *Exorcising the Demons Within: Xenophobia, Violence and Statecraft in Contemporary South Africa*, Loren B. Landau, ed. (Johannesburg, Wits University Press), pp. 1-25; and Francis B. Nyamnjoh, "Racism, ethnicity and the media in Africa: reflections inspired by studies of xenophobia in Cameroon and South Africa".

subjugating groups seen as lesser due to their geographic origin and cultural identity.[37] In addition, historical antagonism exacerbated by constructed identities engineered to institutionalize differences has led to the worst forms of xenophobic violence in parts of the continent, as was the case in Rwanda.[38]

46. Moreover, as a result of the global war on terror and restrictive immigration policies, parts of the region — especially transit countries — have been under pressure from outside to control immigration, which has contributed to further stigmatization of migrants and to increased manifestations of xenophobia[39] and racism. It has been noted that in North Africa, through which sub-Saharan Africans transit en route to Europe, racism has fuelled xenophobic attitudes. This cross-sectional manifestation of racism and xenophobia against people of African origin has been conceptualized as Afrophobia,[40] but also as racial prejudice[41] and as racism.[42]

(b) The Americas

47. The manifestations of xenophobia in the Americas have often been tied to official State practices in repressing political contestation. Some government policies and laws have been identified as contributing to spreading xenophobic attitudes and ideas, and in so doing, to institutionalizing discrimination against outsiders.[43] In some places, national and often monocultural conceptions of the identity and belonging of dominant groups have been promoted with a view to excluding those blamed for posing economic, moral, health or security threats. State-sponsored xenophobic practices may include constructing restrictive categories of belonging,[44] racial profiling by civil servants and security forces and the harassment of "deviant" or "impossible" subjects,[45] and passing laws to prevent or terminate access to social and health-care benefits to migrants,[46] as well as denying them protection of their basic rights and establishing restrictive immigration policies.[47]

48. As elsewhere, xenophobia in the Americas intersects with other forms of discrimination based, inter alia, on race, ethnicity, indigenous status, gender or religion. Although often officially disguised under the rhetoric of hybrid identities and

[37] Sabelo J. Ndlovu-Gatsheni, "Do 'Africans' exist? Genealogies and paradoxes of African identities and the discourses of nativism and xenophobia", pp. 281-295.

[38] See E/CN.4/1994/7/Add.1.

[39] Nizar Messari and Johannes van der Klaauw, "Counter-terrorism measures and refugee protection in North Africa", *Refugee Survey Quarterly*, vol. 29, No. 4 (2010), p. 85.

[40] David Mario Matsinhe, *Third World Quarterly*, vol. 32, No. 2 (2011), pp. 295-313.

[41] Cindy Warner and Gillian Finchilescu, "Living with prejudice: xenophobia and race", *Agenda*, No. 55 (2003).

[42] Kenneth Tafira, "Is xenophobia racism?" *Anthropology Southern Africa*, vol. 34, No. 3&4 (2011), pp. 114-121.

[43] David C. Baluarte, "Inter-American justice comes to the Dominican Republic: an island shakes as human rights and sovereignty clash", *Human Rights Brief*, vol. 13, issue 2 (2006); and Barbara Sutton, "Contesting racism: democratic citizenship, human rights, and antiracist politics in Argentina", *Latin American Perspectives*, vol. 35, No. 6 (2008), pp. 106-121.

[44] Barbara Sutton, "Contesting racism: democratic citizenship, human rights, and antiracist politics in Argentina", pp. 106-121.

[45] Ibid.

[46] Sharon M. Keigher, "America's most cruel xenophobia", *Health and Social Work*, vol. 22, No. 3 (1997), p. 232.

[47] David C. Baluarte, "Inter-American justice comes to the Dominican Republic: an island shakes as human rights and sovereignty clash"; and Laurel Fletcher and Timothy Miller, "New perspectives on old patterns: forced migration of Haitians in the Dominican Republic", *Journal of Ethnic and Migration Studies*, vol. 30, No. 4 (2004), pp. 659-679.

multiculturalism, the "racialization" of certain groups in social structures and cultural practices by State officials and citizens — often through the trivialized use of pejorative terms — plays a role in stigmatizing their belonging and hampers their access to social and economic rights.

49. The historical continuity of discrimination against indigenous people across the Americas has expressed itself through systemic discrimination and outright denial of recognition from the State and its institutions. This discrimination manifests itself in a number of ways, including grave violations of human rights, such as forced displacement, murder, rape, and other forms of violence or intimidation.

50. Taking into consideration the intersectional nature of xenophobic discrimination, it should be noted that discourse on the violations of the rights of migrant women is often limited to the context of trafficking in persons and hardly addresses labour rights at all, especially in regard to domestic workers who are too often the subject of exploitative labour that is exacerbated by bias and stigmatization on account of their origin. In some places, where women of African descent are the most vulnerable group, at the bottom of the socioeconomic stratum, migrant women of African descent are commonly denied the right to access decent work on the basis of their race and also due to gender-based discrimination.[45]

51. Against the backdrop of the global war against terror, South Asian, Muslim, Middle Eastern and Arab communities living in the Americas are increasingly subject to xenophobic rhetoric and discrimination on the basis of their religion. Although often not justified, such groups are, ironically, accused of spreading a language of hate and undermining the tolerance and inclusiveness of the countries of immigration.

(c) Asia-Pacific region

52. In this very diverse region, although some countries may still be experiencing difficulties in integrating indigenous peoples or migrants from generations past, who are still subjected to discrimination and are struggling to be integrated into society, others are primarily sending countries, whose primary concerns with xenophobia relate to the treatment of their citizens elsewhere in the region and beyond. In the face of nationalistic ideals and the harmful ideology of cultural superiority by dominant groups in parts of the region, indigenous peoples are still struggling to assert their rights and retain their cultural identities, while certain migrants have been forced to assimilate in order to be naturalized.

53. Exclusionary policies against immigrants have been implemented in some places and have fostered intensifying anti-immigrant discourse. Immigrants have been constructed as security, demographic and economic threats, often in the context of rising unemployment and increasing numbers of migrant workers.[46]

54. In some countries, migrants have been excluded from accessing State services and have been denied material and social support as well as access to the labour market. Elsewhere, laws have been passed to inhibit the free movement and basic rights of migrant

[45] Tanya Basok and Nicola Piper, "Management versus rights: women's migration and global governance in Latin America and the Caribbean", *Feminist Economics*, vol. 18, No. 2, pp. 35-61.

[46] ILO, "Equality at work: the continuing challenge" (2011), p. 36; and Yoav H. Duman, "Infiltrators go home! Explaining xenophobic mobilization against asylum seekers in Israel", *Journal of International Migration and Integration* (2014), pp. 1-24.

workers.[50] Certain governments have initiated policies that encourage companies to dismiss foreign workers and reduce the quotas of such workers by more than 50 per cent in places.[51]

55. In this region, migrant workers face significant discrimination by governments and citizenry, often in the form of violence against asylum seekers, economic exclusion, and cultural and religious suppression.[52] It has been documented that, in some places, national sentiment and belonging has emerged through the labelling of others as "inauthentic".[53]

56. Ethnocentric attitudes have also sometimes been expressed in religious spheres. For example, Islamophobia has been seen in government interference in religious matters by pointing out what is "extreme", "radical" or unacceptable.[54]

(d) Middle East and North Africa

57. Xenophobia in the Middle East and North Africa region has been linked to rapid economic transformation and diversification,[55] which relies on immigration. Migrants have been perceived as a threat to those who are struggling to benefit from these transformations.[56] Migrants have also been portrayed by dominant ethnic groups as a cultural threat to national identity.[57] This is especially the case in the Middle East, where several countries heavily rely on migrant workers to sustain their economies, and sometimes outnumber the local population.

58. Although there are considerable differences by country, there are numerous reports of host populations across the region displaying high levels of hostility to recent migrant populations, as well as prejudice and intolerance towards groups of "outsiders" including long-standing immigrants and religious or ethnic minorities.[58] In some countries, outsiders are regarded by nationals as being "low-status" or "second-class" citizens.[59] There may be opposition to migrants' access to equal social rights to those enjoyed by nationals.[60] At

[50] ILO, "Equality at work: the continuing challenge" (2011), p. 35.
[51] Ibid., p. 36.
[52] Yoav H. Duman, "Infiltrators go home! Explaining xenophobic mobilization against asylum seekers in Israel", pp. 1-24.
[53] Peidong Yang, "'Authenticity' and 'foreign talent' in Singapore: the relative and negative logic of national identity", *Sojourn: Journal of Social Issues in Southeast Asia*, vol. 29, No. 2 (2014), pp. 408-437.
[54] Scott Poynting and Victoria Mason, "The new integrationism, the state and Islamophobia: retreat from multiculturalism in Australia", *International Journal of Law, Crime and Justice*, vol. 36, No. 4 (2008), pp. 230-246.
[55] Ronald Inglehart, Mansoor Moaddel and Mark Tessler, "Xenophobia and in-group solidarity in Iraq: a natural experiment on the impact of insecurity", *Perspectives on Politics*, issue 3 (2006), pp. 495-505, and Noah Lewin-Epstein and A. Levanon, "National identity and xenophobia in an ethnically divided society", *International Journal on Multicultural Societies*, vol. 7, No. 2 (2005), pp. 90-118.
[56] Daphna Canetti-Nisim and Ami Pedahzur, "Contributory factors to 'political xenophobia' in a multi-cultural society: the case of Israel", *International Journal of Intercultural Relations*, vol. 27, No. 3 (2003), pp. 307-333, and Ami Pedahzur and Yael Yishai, "Hatred by hated people: xenophobia in Israel", *Studies in Conflict and Terrorism*, vol. 22, No. 2 (1999), pp. 101-117.
[57] Noah Lewin-Epstein and A. Levanon, "National identity and xenophobia in an ethnically divided society", pp. 90-118.
[58] Giuseppe Calandruccio, "A review of recent research on human trafficking in the Middle East", *International Migration*, vol. 43, issue 1-2 (2005), pp. 267-299; and Ronald Inglehart, Mansoor Moaddel and Mark Tessler, "Xenophobia and in-group solidarity in Iraq: a natural experiment on the impact of insecurity", pp. 495-505.
[59] Sammy Smooha, *Index of Arab-Jewish Relations in Israel 2003-2009* (Haifa, The Jewish-Arab Center, University of Haifa, 2010).
[60] Ami Pedahzur and Yael Yishai, "Hatred by hated people: xenophobia in Israel", pp. 101-117.

times, this prejudice translates into physical and verbal harassment of individuals.[61] Intolerance by members of the public is often further entrenched by State-sponsored discrimination.[62] Public calls by government bodies and the media for the preservation of countries' identity and culture against the impact of foreigners have also been observed.[63] Certain governments have responded by establishing tougher recruitment policies, sending back "surplus" foreign workers, making the renewal of residence permits more difficult, and restricting where migrants can live and their access to certain sectors of activity.[64]

59. In several countries of the region, nationality is constructed on the basis of religious participation and belonging.[65] Religious minorities have been framed in public discourse as threats to the majority, or as not belonging to the society, and experience prejudice from members of society in addition to economic and political exclusion.[66] Education systems in certain places contribute to promoting and emphasizing the superiority of some religious groups over others and diffuse ethnocentric understandings of history and other cultures.[67]

60. In this region there are also growing concerns about the treatment of migrant women, especially as migration has become more feminized.[68] Migrant women employed as domestic workers are often subjected to exploitative labour practices and to sexual violence and abuse. Their status as foreigners multiplies their vulnerability to gender-based discrimination and violence.

61. The labour sponsorship system[69] in place in many countries in the Middle East does not offer protection to migrant workers,[70] allows employers to exercise excessive power over foreign employees and promotes the spatial and social exclusion of migrants from host societies. Often, low-skilled migrant workers who do not live in the homes of their employers are forced to live in camps and are subjected to poor living conditions and

[61] Ray Jureidini, "Mixed migration flows: Somali and Ethiopian migration to Yemen and Turkey", final report, May 2010.

[62] Sammy Smooha, *Index of Arab-Jewish Relations in Israel 2003-2009*.

[63] Magdalena Maria Karolak and Anjum Razzaque, "Marginalizing or blending of transnational workers: case of the Kingdom of Bahrain", *Somkiet Poopatvilboon*, vol. 1981, issue 1991, p. 100.

[64] Anisur Rahman, "Migration and human rights in the Gulf", available from www.mei.edu/content/migration-and-human-rights-gulf (accessed on 12 May 2016); F. Halliday, "Labour migration in the Arab World", *Middle East Report*, MER 123, pp. 3-10; and Michele R. Gamburd, "Sri Lankan migration to the Gulf: female breadwinners – domestic workers", Middle East Institute, Washington, D.C.

[65] David Zeidan, "The Copts—equal, protected or persecuted? The impact of Islamization on Muslim-Christian relations in modern Egypt", *Islam and Christian-Muslim Relations*, vol. 10, issue 1 (1999), pp. 53-67.

[66] Elizabeth Frantz, "Buddhism by other means: sacred sites and ritual practice among Sri Lankan domestic workers in Jordan", *The Asia Pacific Journal of Anthropology*, vol. 11, issue 3-4 (2010), pp. 268-292; and David Zeidan, "The Copts—equal, protected or persecuted? The impact of Islamization on Muslim-Christian relations in modern Egypt", pp. 53-67.

[67] Thomas Hegghammer, "Jihad, yes, but not revolution: explaining the extraversion of Islamist violence in Saudi Arabia", *British Journal of Middle Eastern Studies*, vol. 36, No. 3, pp. 395-416.

[68] Imee Acosta and Alexander Acosta, "In pain and in wail: a phenomenology of the abuses of the Filipino domestic workers, Qatar"; and Attiya Ahmad, "Migrant domestic workers in Kuwait: the role of State institutions", Middle East Institute, Washington, D.C.

[69] Tristan Brusle, "Living in and out of the host society: Aspects of Nepalese migrants' experience of division in Qatar", *Forum: Qualitative Social Research*, vol. 11, No. 2 (2010).

[70] Pardis Mahdavi, "Gender, labour and the law: the nexus of domestic work, human trafficking and the informal economy in the United Arab Emirates", *Global Networks*, vol. 13, issue 4 (2013), pp. 425-440.

deprived of facilities and services afforded to the host populations.[71] Some governments have gone so far as to restrict the materials that migrants can use to build dwellings, in efforts to entrench the temporary nature of their homes, which contributes further to their stigmatization as a lesser class.[72] In addition to spatial exclusion, these marginalized populations are often deprived of access to essential rights, such as education, health care, property and land ownership, and freedom of movement.[73]

(c) Europe

62. Europe has recently been at the centre of global media coverage and popular debates on the challenges of addressing the almost unprecedented influx of non-European migrants, asylum seekers and refugees. The region has been broadly criticized for its security approach to addressing migration, which at times has not met international human rights standards. Nearly two thirds (76 million) of all international migrants live in Europe,[74] resulting in increased cultural heterogeneity and diversity in areas that are often grappling with economic decline and popular discontent. Migration from outside the region has been perceived as presenting a direct threat to the cultural character of individual countries and the region as a whole. Some governments in the region have favoured an assimilationist integration agenda over multiculturalism, which poses the risks of denying sociocultural rights to minority groups.

63. Europe is seeing rising levels of Islamophobia, the proliferation of political parties with overt anti-immigrant and often broader anti-minority agendas, and an overbearing security approach to migration control, as well as increasing street protests with high levels of xenophobic content. Europe has also witnessed a growing trend of Islamophobia, in addition to long-standing Romaphobia. This has translated into public opinion that sees Islam as inherently opposed to European values of democracy and secularism while in fact ignoring the reality of Muslim communities. "The rise of extremist and violent Islamist movements is often manipulated to portray Muslims in general as unable and unwilling to integrate into European societies and therefore as a security threat. Populist movements claiming to protest against the alleged Islamization of Europe mixed various aspects of Islamophobia with general xenophobic sentiments. It is frequently reported that women wearing a headscarf were sometimes subjected to verbal abuse and harassment in public."[75]

64. According to the European Commission against Racism and Intolerance, generalized anti-immigration rhetoric was successfully used by populist parties during campaigning for the European Parliament elections that were held in May 2014.[76] In this context, the overall model of multiculturalism was portrayed as a dangerous notion and a concept that has failed and is no longer desirable.

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[71] Mohamed Kamel Doraï, "From camp dwellers to urban refugees? Urbanization and marginalization of refugee camps in Lebanon", *Manifestations of Identity: The Lived Reality of Palestinian Refugees in Lebanon* (2010), pp. 75-92; and Simon Haddad, *The Palestinian Impasse in Lebanon: The Politics of Refugee Integration* (Sussex Academic Press, 2003).

[72] Simon Haddad, *The Palestinian Impasse in Lebanon: The Politics of Refugee Integration*.

[73] Mohamed Kamel Doraï, "From camp dwellers to urban refugees? Urbanization and marginalization of refugee camps in Lebanon", pp. 75-92.

[74] Department of Economic and Social Affairs, "Trends in international migration", available from www.un.org/en/development/desa/population/migration/publications/populationfacts/docs/MigrationPopFacts20154.pdf (accessed on 12 May 2016).

[75] See the 2014 annual report on the activities of the European Commission against Racism and Intolerance, paras. 14 and 15.

[76] Michelle Hale Williams, "Can leopards change their spots? Between xenophobia and trans-ethnic populism among Western European far-right parties", *Nationalism and Ethnic Politics*, vol. 16, No. 1, pp. 111-134.

65. Across much of Europe, political statements that may previously have been deemed hate speech or beyond the realm of acceptability have now become part of mainstream political discourse expressing overtly hostile views towards migrants and multiculturalism more generally.[77] The European Commission against Racism and Intolerance has reported that, within the scope of its country monitoring, it has recorded expressions of hate speech and the use of offensive language and stereotypes and derogatory comments made on the streets, in schools and in shops, as well as actual calls for the use of violence against vulnerable groups. The use of inappropriate language and discourse in many parliaments and by State officials has been found to contribute to a public discourse that is increasingly offensive and intolerant. Furthermore, attempts by public figures to justify and/or trivialize the existence of prejudice and intolerance towards certain groups have contributed to perpetuating and increasing hostility towards vulnerable individuals.[78] Anti-migration rhetoric has garnered increasing public support, as evidenced by electoral results across much of the region.

66. This negative attitude towards migrants has often been justified on the basis of accusations that immigrants are generally overrepresented among criminal organizations, and because they are also usually portrayed as a threat to the welfare state due to the rising cost of social subsidies.[79] For example, Afrophobia in Europe has been explained by making reference to multiple causes, including perceptions of Africans as unwanted economic migrants. As a result, people of African origin are discriminated against on the basis of their migration status but are also discriminated against in countries where they have lived for many decades. They live with disproportionate frequency in socially deprived residential areas, are more often stopped and searched by the police and have less favourable health-care outcomes than white populations.[80]

67. As in other regions, a security approach to migration policies predominates. While this need not be xenophobic in and of itself, it has translated into high levels of harassment and discrimination at borders, on the streets, and within public institutions including schools and other State services.[81]

IV. Conclusion and recommendations

68. **In conclusion, given the ambiguity surrounding the notion of xenophobia, there is a need for a more robust research agenda that seeks to consider the sources of xenophobia and the effectiveness of the strategies in place to counter xenophobia, taking into consideration intersectionality, scale, and the multitude of actors involved in creating conflict or mutual respect. Across regions, State institutions responsible for promoting, protecting and fulfilling the rights of the victimized groups are either failing due to complicity or lack of capacity, or due to the complexity in characterizing discriminatory practices. At times, there is overt denial that xenophobia exists within a given society, or else it has become normalized in public discourse and justified by making reference to national values, such as freedom of speech, or to security needs.**

[77] Tjitske Akkerman, "Comparing radical right parties in government: immigration and integration policies in nine countries (1996-2010)", *West European Politics*, vol. 35, No. 3 (2012), pp. 511-529.

[78] European Commission against Racism and Intolerance, general policy recommendation No. 15, para. 24.

[79] Ibid.

[80] See the 2014 annual report on the activities of the European Commission against Racism and Intolerance, paras. 17 and 18.

[81] Jef Huysmans, "The European Union and the securitization of migration", *Journal of Common Market Studies*, vol. 38, No. 5 (2000), pp. 757-777.

Often, the effectiveness of policies put in place to address discrimination in general, including xenophobia, has proved to be limited over time. In that regard, the Deputy High Commissioner for Human Rights noted that 15 years after the adoption of the Durban Declaration and Programme of Action, "slow, uneven, uncertain progress is not sufficient progress".[82]

69. In order to better understand the causes and consequences of xenophobia and the effectiveness of overt counter-xenophobia strategies, there is a need to further document successful initiatives and policies that have fostered increased understanding between diverse populations.[83] The Special Rapporteur will continue examining this issue in his next report to the General Assembly.

70. By working on this thematic focus, the Special Rapporteur hopes to contribute to the ongoing debate on xenophobia and xenophobic discrimination within the framework of the current migration crisis and beyond. He also wishes to express the necessity for the international community to adopt a clear definition of the phenomenon in order to better prevent, remedy and combat its manifestations.

71. The Special Rapporteur acknowledges the frequently occurring obstacles to addressing discrimination and prejudice, which include a lack of political will, lack of understanding of the scope of the issue, and limited capacity. In the recommendations below, the Special Rapporteur shares a set of key elements to be taken into consideration in order to design and implement strategies with improved effectiveness. These include: (a) a local diagnosis of the situation; (b) implementing preventive actions; (c) promoting social solidarity; (d) identifying the appropriate scale of intervention; (e) designing complementarity strategies; and (f) review and assessment.

A. Local diagnosis

72. While the manifestations of xenophobia share certain commonalities across time and regions, its causes vary across and within countries. The discourses of difference and social cohesion are often historically and socially conditioned, as are the grounds of mobilization that are likely to capture popular and political attention. Therefore, strategies for countering xenophobic discrimination and violence, based on the principles of non-discrimination, multiculturalism and tolerance, must be context-specific and carefully adapted to domestic realities. Governments, international organizations, civil society and other private actors should engage in individual assessments of national political language, institutional capacities, and the interests that inform local government policy and practices. Moreover, it should be recognized that preventing or addressing xenophobia necessitates shifting the institutional, political and economic incentives that support continued or heightened xenophobic practices. This requires a high degree of political will and social insight.

[82] Statement by Kate Gilmore, Deputy High Commissioner for Human Rights, 18 March 2016.

[83] Francis B. Nyamnjoh, "Racism, ethnicity and the media in Africa: reflections inspired by studies of xenophobia in Cameroon and South Africa", pp. 57-93; and Francis B. Nyamnjoh, "From bounded to flexible citizenship: lessons from Africa", *Citizenship Studies*, vol. 11, No. 1 (2007), pp. 73-82.

B. Prevention

73. Building on the context-specific assessment, identifying and addressing the incentives for current or potential conflict may help to limit the ability of "entrepreneurs" to mobilize on exclusionary grounds. For example, in contexts where the positive contribution of refugees or other immigrants is portrayed as an added social and economic value, host communities and local institutions may be more readily incentivized to accept and absorb immigrants. Examples from Canada, in which communities with declining populations have actively sought immigrants in order to bolster their workforces and their political weight, may provide guidance in this regard. On the other hand, in order to inhibit or contain the exacerbation of inter-group divisions, effective early interventions should be taken to prohibit or co-opt those who aggravate differences and discrimination to serve a certain agenda. Prevention may also include strengthening inter-group interactions and relations, so as to make them more resilient to divisive agendas.

C. Promoting social solidarity

74. In relation to migration, there is a need to find innovative ways to draw social solidarity from the existing local cultural, social and political context. All actors — including local officials, leaders, private actors, and service providers — who have the power to bring about immediate positive change need to be sensitized to the value of social solidarity. There is a need to move away from a purely State-centred approach and to put further emphasis on a bottom-up implementation of policies to foster social tolerance, mutual respect and trust. Assertions of rights based on the minority status of individuals or groups can be effective in drawing attention to patterns and practices of discrimination including xenophobia. However, as this strategy requires groups that are already in vulnerable situations to be made visible, the necessary safeguards should be taken in order to prevent a further entrenching of categories. For example, Portugal has established a coherent integration policy for immigrants and seriously encourages intercultural dialogue. This is managed by the High Commission for Immigration and Intercultural Dialogue, which is responsible for enacting a progressive action plan for immigrant integration that has clear implementation deadlines.

D. Scale of intervention

75. In addition to a national diagnosis, it is necessary to pay attention to deeply localized sources of conflict and discrimination. In this regard, the role of local actors, including local government, is paramount in taking tailored local administrative and other measures to overcome local barriers to integration and peaceful cohabitation. For example, the City of New York decided to issue all immigrants, regardless of their immigration status, with identity cards in order to enable them to access basic services such as housing, bank accounts, legal services and education.[51] In the United States of America today, through protection of the confidentiality of immigration status, the city sanctuary movement has challenged the exclusion of non-citizens from the enjoyment of rights such as housing, health care, education, police services, employment and social assistance, while advancing alternative ideas of citizenship in

[51] Aaron Morrison, "Immigrant identification card: New York's ID program watched by immigration reform advocates across nation".

the process.[84] In its 2014 annual report, the Inter-American Commission on Human Rights noted actions taken in several countries to promote the rights and well-being of non-nationals, including measures adopted in Uruguay to integrate Syrian refugees into society, providing them with access to housing, medical care, Spanish lessons, and cultural lessons that were also provided to school teachers, students and parents in order to also foster acceptance among the local population.

E. Complementarity and coordinated sectorial strategies

76. It is necessary to address institutional, political, policy and social reforms simultaneously, in ways that mutually reinforce the incentives for integration and solidarity rather than for exclusion. This should include strengthening the rule of law by adopting and implementing at the national level the relevant international standards, particularly those recognizing and protecting rights of minorities, including non-nationals.[85] Perhaps more importantly, it is essential to provide effective judicial, administrative and other remedies to vulnerable groups, including to foreign nationals.[86] However, the establishment of these systems is only likely where there are political and social incentives for solidarity fostered through the creation of spaces and opportunities for the development of overlapping or concurrent interests. This process should be founded on human rights education, through innovative tools such as youth dialogues on migration, social inclusion and diversity.[88] Educational curricula should systematically include multicultural and diversity training. Human rights training for justice officials, law enforcement personnel, social partners and educators should put particular emphasis on non-discrimination and on equal rights for all. Targeted public media campaigns and training courses should be designed with the participation of all stakeholders concerned, with a view to sensitizing the population at large to the principles of equality and non-discrimination, and also to combating racism and prejudice in daily life. As part of such media campaigns, the accent should be put on publicizing the positive contributions of vulnerable groups to economic and social welfare as well as the overall negative effects of discrimination and marginalization.

F. Review and assessment

77. While generalized frameworks and principled statements calling for tolerance and inclusion are an important and necessary step, there are few concrete sources that correlate intervention strategies, local conditions and rates of success. Only through concrete independent monitoring and critical evaluation — by all actors — can we develop the insights necessary to improve future interventions' chances of being successful. In this regard, the Special Rapporteur reiterates the recommendation to establish independent national anti-discrimination monitoring bodies with the power to monitor the effectiveness of policies and enforce anti-discrimination legislation, to receive and act upon individual complaints of discrimination and to accompany

[84] Jennifer Ridgley, "Cities of refuge: immigration enforcement, police, and the insurgent genealogies of citizenship in U.S. sanctuary cities", *Urban Geography*, vol. 29, No. 1 (2008), pp. 53-77.

[85] ILO, IOM, OHCHR, *International Migration, Racism, Discrimination and Xenophobia* (2001).

[86] Ibid.

[88] IOM, Plural+ Youth Video Festival (2015); and European Union Agency for Fundamental Rights, "Promoting respect and diversity, combating intolerance and hate: contribution to the Annual Colloquium on Fundamental Rights" (2015).

vulnerable groups in their claims for justice and equality. Furthermore, research and monitoring of citizens' attitudes towards immigrants, refugees, and other minorities perceived as outsiders should be conducted on a regular basis to feed into policies over time and to inform any necessary adjustments.

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Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his mission to Greece*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his visit to Greece from 4 to 8 May 2015, at the invitation of the Government. During his visit, the Special Rapporteur held meetings in Athens and the Attica region with representatives of the Government of Greece; the legislative and judicial branches; security forces; the Greek Ombudsman; the National Commission for Human Rights; United Nations entities, international organizations and non-governmental organizations; and community members and other groups and individuals working in the field of combating racism.

In the present report, the Special Rapporteur addresses the legal and institutional framework for combating racism, as well as different policies and initiatives undertaken against racism and xenophobia by the Government, the National Commission for Human Rights and civil society.

The Special Rapporteur then analyses the main challenges the country has faced in the fight against racism, racial discrimination, xenophobia and related intolerance, including issues related to the situation of migrants, refugees and asylum seekers, as well as acts and expressions of racism and xenophobia from political parties and police forces.

The report concludes with recommendations to all relevant stakeholders.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on his visit to Greece**

Contents

		Page
I.	Introduction	3
II.	Background	3
III.	Legal framework for combating racism	4
	A. International and regional human rights instruments	4
	B. Constitutional provisions	5
	C. Legislation prohibiting racism, racial discrimination, xenophobia and related intolerance	5
IV.	Institutional framework for combating racism	7
V.	Public policies and initiatives from government and civil society to combat racism, racial discrimination, xenophobia and related intolerance	10
VI.	Main challenges in the fight against racism, racial discrimination, xenophobia and related intolerance	12
	A. The economic and social crisis	12
	B. Hate speech	13
	C. Racist and xenophobic violence	13
	D. Racism and extremism in the political arena	14
	E. Refugees and asylum seekers	15
	F. Migrant workers	16
	G. Roma	17
VII.	Conclusions and recommendations	17

** Circulated in the language of submission only.

I. Introduction

1. At the invitation of the Government, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance visited Greece from 4 to 8 May 2015.

2. The Special Rapporteur travelled to the capital city, Athens, as well as the neighbouring districts of Thrakomakedones and Spata in the Attica region. He met with representatives from the Government, at the national and regional levels; the legislative and judicial branches; and the security forces. He is particularly honoured to have met, despite their busy agendas, the Ministers of Health; Interior and Administrative Reconstruction; and Justice, Transparency and Human Rights, as well as the Alternate Minister for Migration.

3. In addition, the Special Rapporteur met with representatives of the National Commission for Human Rights, the Greek Ombudsperson, United Nations agencies, non-governmental organizations, community members and other groups and individuals working in the field of racism, as well as migrant workers and asylum seekers.

4. The Special Rapporteur wishes to express his sincere gratitude to the Government for its cooperation and excellent coordination in the conduct of the visit. He is also grateful to the different state agencies for their cooperation. He is indebted to United Nations entities and his interlocutors from civil society for the excellent cooperation they extended to him throughout the visit. He hopes his conclusions and recommendations will contribute to finding concrete ways and means of addressing the challenges raised in the present report in an effective manner.

II. Background

5. In recent history, Greece was invaded by fascist Italy and Nazi Germany in 1940 and 1941, respectively. After the withdrawal of German forces in 1944, the existence of different resistance factions led to a civil war in 1946, which lasted until 1949, with the victory of the western-allied government forces, which helped define the ideological balance of power for the entire cold war period. In 1974, after seven years of rule by a military junta that suspended many political liberties, democratic elections and a referendum led to the current constitutional system of a parliamentary republic. In 1981, Greece joined the European Community, which later became the European Union, and adopted the euro currency in 2001.

6. Starting from 2009, Greece has been facing its worst economic crisis in recent times. The structurally weak Greek economy and the sudden crisis in confidence among its lenders resulted in a government debt crisis. This has been worsened by the ever growing trade deficit since joining the eurozone. In 2010, the Prime Minister of Greece, Georgios Papandreou, paved the way for the first of several bailout programmes from the International Monetary Fund (IMF), the European Commission and the European Central Bank (the "troika") of roughly €326 billion. This led to a drop in the gross domestic product (GDP) growth rate, even though per capita GDP was already about half that of leading eurozone economies. Under pressure from its creditors, Greece has seen the emergence of political tensions between the Government, opposition political parties and trade unions, leading to an extremely volatile political climate in which new extremist parties, including the violent neo-Nazi Golden Dawn, have gained ground. These circumstances ultimately led to the election of the left party Syriza in January 2015, and again in September of that year. Moreover, sharp reductions in public spending and public employment (150,000

positions in the public sector were to be cut by the end of 2015),[1] in combination with increases in value-added-tax rates and cuts in social benefits, have led to a rise in poverty and a permanent state of social unrest."

7. In addition to the financial crisis, Greece has faced major challenges regarding migrants and refugees, whose numbers have sharply increased recently due to its geographic location. More specifically, the country has become an entry point to the European Union and a transit point for hundreds of thousands of migrants and asylum seekers from Africa, Asia and the Middle East, who enter the country mainly by crossing the northern border in Evros and via the eastern Aegean islands.

III. Legal framework for combating racism

A. International and regional human rights instruments

8. Greece is a State party to the major international human rights instruments: the International Covenant on Civil and Political Rights and its optional protocols; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its optional protocol; the International Convention for the Protection of All Persons from Enforced Disappearance; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women and its optional protocol; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child and two of its optional protocols; the Convention on the Rights of Persons with Disabilities and its optional protocol; and the Convention on the Prevention and Punishment of the Crime of Genocide.

9. Other major relevant instruments to which Greece is a party to include the Protocol against Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime; the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; and the Geneva Conventions of 12 August 1949. Greece has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

10. Greece also has ratified 98 treaties of the Council of Europe,[2] including the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocol Nos. 1, 2, 3, 5, 6, 7, 8, 11, 13 and 14; the Council of Europe Convention on Action against Trafficking in Human Beings; the European Convention on the Exercise of Children's Rights; the European Social Charter (revised); the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints; Protocol Nos. 1 and 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; and the European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors.

11. Greece has also signed but not ratified Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms; the Framework Convention for the Protection of National Minorities; the Additional Protocol to the Convention on

[1] Tyler Durden, "Greek public sector job cuts", *Zero Hedge*, 3 December 2013, available from www.zerohedge.com.

[2] See www.hlhr.gr/index.php?MDL=pages&SiteID=1107.

[3] See official site of the Council of Europe Treaty Office on signatures with ratifications in respect of Greece (www.coe.int/en/web/conventions/search-on-states/-/conventions/treaty/search/states_coe).

Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems; the Council of Europe Convention on preventing and combating violence against women and domestic violence; the European Agreement on Transfer of Responsibility for Refugees; and the European Convention on the Legal Status of Migrant Workers.

12. Greece is not a State party, however, to Protocol Nos. 4, 15 and 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms; the Council of Europe Convention on Access to Official Documents; the European Agreement on the Abolition of Visas for Refugees; the Protocol to the European Convention on Consular Functions concerning the Protection of Refugees; and the European Charter for Regional or Minority Languages.

13. Greece has signed the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. As a State member of the European Union and a part of the Schengen area, Greece must also incorporate all European directives on migration and asylum into national legislation and apply strengthened external border controls.

B. Constitutional provisions

14. The current constitution of Greece, adopted in 1975 and amended in 1986, 2001 and 2008, guarantees respect for and protection of the human being (art. 2); full protection of life, honour and liberty, irrespective of nationality, race or language, religious or political beliefs for all persons living within Greek territory (art. 5, para. 2); and the inviolability of personal liberty (art. 5, para. 3). Furthermore, the Constitution provides for freedom of opinion, expression, speech, press and religion.[4] Moreover, no person shall be arrested or imprisoned without a reasoned judicial warrant, which must be served at the moment of arrest or detention pending trial, except when the person is caught in the act of committing a crime (art. 6, para. 1). Torture, any physical maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity, is prohibited and punished as provided by law (art. 7, para. 2). Every person is entitled to receive legal protection by the courts and may plead before them his or her views concerning his or her rights or interests, as specified by law (art. 20, para. 1). The right of a person to a prior hearing also applies in any administrative action or measure adopted at the expense of his or her rights or interests (art. 20, para. 2).

15. Article 28, paragraph 1, of the Constitution provides that international treaties ratified by Greece have suprastatutory force and take precedence over other Greek law. Fundamental human rights are enforceable through the domestic courts.

C. Legislation prohibiting racism, racial discrimination, xenophobia and related intolerance

16. Until 2005, Greece's anti-racism legislation was limited to Law 927/1979, which was aimed at the punishment of hate speech on racial, ethnic or religious grounds.[5] On 9 September 2014, Parliament approved Law No. 4285/2014, which amends Law 927/1979 by specifically outlawing, inter alia, public incitement to acts or activities that may result in discrimination, hatred or violence against individuals or groups of individuals on all grounds except age, and the malicious denial or trivialization of genocide, and by punishing

[4] See A/HRC/27/48/Add.2, para. 21.

[5] European network of legal experts in the non-discrimination field.

perpetrators of such crimes with imprisonment of three months to three years and a fine of €5,000 to €20,000. Since 2008, hate crimes are punished by criminal legislation. Penalties were further stiffened when new article 81A was introduced in the Criminal Code. In 2005, Law No. 3304/2005, on the implementation of the principle of equal treatment regardless of race or national origin, religion or other belief, disability, age or sexual orientation, was adopted. This law prohibits both direct and indirect discrimination (art. 3, para. 7) and strengthens the Greek Ombudsperson's Office by entrusting new competences to it. According to article 20, paragraph 2, of the new law, the Greek Ombudsperson's Office is no longer excluded from the investigation of complaints related to the service status of civil servants when these concern cases of discriminatory treatment, and the Office may broaden and intensify its mediation and investigation. It may also actively participate in coordination of and awareness-raising among state authorities and civil society.[6]

17. Additionally, Law No. 3304/2005 provides the Committee for Equal Treatment and the Labour Inspectorate Body with responsibility for addressing discrimination by the private sector. It also criminalizes discrimination by private actors as hate-motivated crimes.

18. In addition to Law No. 3304/2005, which is also aimed at combating discrimination in employment, mainly on the grounds of sex and racial or ethnic origin in the private sector, there are several other pieces of legislation that are aimed at protecting employees against discriminatory practices by employers.

19. In April 2014, Law No. 4251/2014, enacting the Code of Immigration and Social Integration, entered into force. The Law, which codified the relevant legislative provisions, limited the categories of residence permit, simplified the conditions for access to the labour market, created favourable investment conditions, promoted long-term resident status and introduced favourable terms and conditions of stay for the "second migrant generation" under specific integration criteria for third-country nationals who have developed strong links with Greece and Greek society. A third-country national who violates the deadline for voluntary departure or otherwise illegally resides in the country for a period of less than 30 days shall pay on departure four times the relevant fees for an annual residence permit (currently €150). If the duration of such illegal residence exceeds 30 days, he or she shall pay eight times the relevant fees for an annual residence permit (art. 23 of Law No. 4251/2014). Law No. 3907/2011 provides for the creation of an independent asylum service and an appeals authority, the establishment of a first reception service and the adaptation of Greek legislation to directive 2008/115/EC of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals. Additionally, Law No. 3772/2009 enforces stricter administrative and penal sanctions on smugglers, and treats their activities as a felony.[7] Law No. 3852/2010, in its article 78, proceeded with the establishment of migrant integration councils within the territorial limits of municipalities. Their role consists in identifying integration problems encountered by third-country nationals and subsequently submitting relevant proposals for the smooth integration of local migrant populations. The migration integration councils are composed of municipal counselors, representatives of local immigrant communities and members of other social entities. Migrant integration councils have been established and are operating in the big urban centres of Greece, such as Athens and Thessaloniki, as well as in other municipalities. Their establishment and

[6] *The Greek Ombudsman's First Year as a Specialized Body for the Promotion of the Principle of Equal Treatment* (Greek Ombudsman, 2005), p. 3, available from www.synigoros.gr/resources/docs/200_synig_2005_32sel_engl_intern.pdf.

[7] Ibid.

everyday operations have been supported by actions taken in the context of the European Fund for the Integration of Third-country Nationals.

20. In December 2015, Law No. 4356/2015[5] on civil partnership agreements for same-sex couples was enacted. According to this law, same-sex couples can choose civil partnership in order to cohabit and enjoy the full rights of married couples. However, they have neither the right to marry nor the right to adopt. Additionally, the Law provides for the creation of the National Council Against Racism and Intolerance, the purpose of which is to formulate policies to prevent and combat racism; monitor the implementation of legislation against racism and intolerance, as well as compliance with international and European law; and promote and coordinate the actions of all stakeholders in order to tackle the phenomenon. Moreover, the above-mentioned law provides for modifications to the Criminal Code (arts. 81A and 361B) in order to strengthen the punishment of hate crimes.

IV. Institutional framework for combating racism

21. The Special Rapporteur was pleased to note that there are credible institutions active in the fight against racism and discrimination in Greece. He met with representatives of the National Commission for Human Rights, a statutory national human rights commission having consultative status with the State on issues pertaining to human rights protection, established by Law No. 2887/1998 in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In the course of its actions, the Commission has issued several reports and recommendations regarding human rights issues in Greece, which have been raised in both international and European forums. The major issues concern non-discrimination on the grounds of race, ethnic origin or sex; protection of minority populations; immigration policies; education and promotion of human rights; protection of the social rights of refugees and asylum seekers; implementation of the International Labour Organization Discrimination (Employment and Occupation) Convention, 1958 (No. 111); social and legal protection of Roma; and the overhaul of relevant policies and legislation on racial discrimination. In 2011, the Commission expressed its concern in particular about rising racist and xenophobic violence by issuing a number of recommendations, including for improved training of police and the judiciary with regard to racist crimes, and issued guidelines on the investigation and registration of these violent acts. In December 2013, the Commission called for a change of Law No. 927/1979 (A 139) to adapt it to European Council framework decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, a recommendation which was followed by the enactment, in September 2014, of Law No. 4285/2014 for that purpose. In January 2015, the National Commission for Human Rights, in the context of delivering its opinion regarding the periodic report of Greece on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, coordinated by the Ministry of Foreign Affairs, had the opportunity to assess the status of implementation of that Convention. In that respect, the Commission cited a series of comments, expressing concern at the rapid and dramatic deterioration of living standards in Greece, which had led to the impoverishment of a large section of the population, widened social gaps, disrupted the social fabric and caused a resurgence of extremist and intolerant elements, thus undermining democratic institutions. It has also repeatedly urged the authorities to take joint action with the Governments and parliaments of other States members of the European Union and the European Parliament so that every measure of "economic governance" is

[5] See https://nomoi.info/%CE%A6%CE%95%CE%9A-%CE%91-181-2015-%CE%83%CE%B5%CE%BB-1.html.

adopted and applied with the protection of the fundamental human rights. (These recommendations were also made in 2010, 2011 and 2013.)

22. The National Commission for Human Rights has also commented on the inadequate support of the authorities of Greece with regard to combating discrimination against Muslim women, and has highlighted the lack of a comprehensive legal and regulatory framework for the effective implementation of the action plan for the social integration of Greek Roma. The Commission has thus proposed the expansion of the sociomedical community centres, the enhancement of action towards equal treatment in housing, the immediate registration of Roma at the municipal level and the creation of educational programmes on human rights for state officials.

23. The Special Rapporteur was pleased to hear that United Nations experts, as well as several entities of the Council of Europe, had quoted excerpts of the recommendations of the National Commission for Human Rights in their reports on Greece.[9] The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, explicitly referred to a more dynamic approach to systematically analysing the impact of austerity on human rights.[10] The Commission has also expressed satisfaction with the legislative initiative of the Ministry of Interior and Administrative Reconstruction regulating the establishment of departments and agencies of response against racist violence, and has highlighted the need for unreserved condemnation of each act of police violence or arbitrariness. The Commission has further highlighted the need for collaboration among state agencies; the Racist Violence Recording Network, which monitors racist incidents nationally; non-governmental organizations (NGOs); and immigrant communities.

24. The Special Rapporteur also met with the representative of the Greek Ombudsman's office, a constitutionally sanctioned independent authority that has existed since October 1998, and which currently operates under Law No. 3094/2003, to safeguard and promote the rights of citizens. The Office offers its services to the public by investigating individual administrative actions taken or omissions by government departments or public services that infringe on the human rights of individuals. Each submitted complaint goes through a three-stage process before a settlement is reached.

25. Additionally, according to the European directive 2008/115/EC (art. 8, para .6) and a joint ministerial decision issued by the Government of Greece in October 2014, the Greek Ombudsman is officially the independent body responsible for the control of all stages in the process of returning migrants to their countries of origin.

26. In 2014, the Office received 16,339 complaints, an increase from 14,738 in 2013 and a 50 per cent increase from the numbers reported in 2011.[11] The Office reports that 80 per cent of these cases are successfully settled; they mostly concern issues related to public insurance and taxation. Nevertheless, the Greek Ombudsman's office offers its services free of charge and produces reports on specific issues. In 2014, the Office published reports on

[9] In particular, the European Committee of Social Rights quoted seven decisions proposed by the National Commission for Human Rights in regard to the urgent need to reverse the trend of debasement of individual and social rights; the Committee of Ministers referred to the Commission's propositions regarding the application of the European Code of Social Security by Greece; and the Commissioner for Human Rights, in its 2013 paper on "Safeguarding human rights in times of economic crisis", made reference to a more rigorous analysis of the implications of austerity measures for human rights, as recommended by the National Commission for Human Rights of Greece.

[10] See A/HRC/31/60/Add.2.

[11] See www.synigoros.gr/resources/docs/150403-dt-ee.pdf.

the fight against discrimination (Law No. 3304/2005), gender equality in employment (Law No. 3896/2010), the return of migrants (Law No. 3907/2011) and prevention of torture (Law No. 4228/2014).

27. Regarding discrimination, particularly on the basis of sex and gender, complaints were registered from both the public and private sectors, with more emphasis placed on initiatives relating to compulsory retirement for women or dismissal during maternity protection periods.

28. The Greek Ombudsman's office also reported on the return of migrants to their countries of origin and on the excessive length of their detention in Greece, which in some cases exceeded the limit of 18 months established by Greek law and the European Union normative framework. The office reported a 24.5 per cent rise in the number of irregular migrants entering the country during the first half of 2014 in comparison with the same period in 2013. The Office proposed the immediate transfer of migrants to premises in conformity with Law No. 3907/2011; the restriction of detention periods; the implementation of alternative measures to detention, in accordance with article 22, paragraph 3, of Law 3907/2011; the adequate operation of migrant reception centres at all entry points to ensure humane and dignified living conditions; and the provision of medical examinations and support to those in need. The assignment of legal aid, the usage of mobile networks in the Amygdaleza detention centre and special treatment for minors were also some of the recommendations made.

29. The Special Rapporteur also met with the Economic and Social Council, an administrative body tasked with the promotion of equal treatment in employment established by Law No. 2232/1994. The mandate of the Council is to formulate policies that are mutually acceptable to the three groups represented: employers/entrepreneurs; private and public sector employees; and others, such as farmers, self-employed people, consumers, people with disabilities, gender equality organizations and the local government. According to Law No. 3304/2005, the Economic and Social Council presents annual reports on developments relating to the implementation of the principle of equal treatment, mainly in employment, makes suggestions to the Government and to social partners with regard to promoting non-discrimination, and encourages dialogue with NGOs and union representatives interested in combating discrimination on the grounds of ethnic or racial origin, religion or belief, sexual orientation and disability.

30. The Special Rapporteur was informed that, after the Greek elections in January 2015, the new justice minister had pledged to amend the 2014 anti-racism law and to strengthen training on racism and xenophobia for the judiciary and prosecutors. The minister also stated that prosecutors should be required to investigate bias as a possible motive in crimes and to present any evidence thereof to the courts, which should be required to consider such evidence and explain the reasons for applying or not applying a penalty enhancement.[12] The law provides that victims are exempted from paying a fee to file their complaint. Law No. 4251/2014 was amended by Law No. 4332/2015 to incorporate measures aimed at protecting undocumented migrants who are victims or witnesses of hate crimes. These measures will also protect migrants from any negative repercussions pending a prima facie assessment by a prosecutor of the merits of their complaint. The Government also indicated that it had abandoned anti-immigrant police operations like Xenios Zeus. In February 2015, the Government pledged to shut down

[12] Human Rights Watch, "Greece: address longstanding rights issues", 19 February 2015, available from www.hrw.org/news/2015/02/19/greece-address-longstanding-rights-issues.

migrant detention centres,[11] after having announced the end of immigration detention beyond the 18 months permitted by European Union law. According to Law No. 4332/2015, which has integrated the provisions of an earlier joint ministerial decision (30651/2014), a residence permit for humanitarian reasons is granted, inter alia, upon a decision of the Minister of Interior and Administrative Reconstruction, to third-country nationals residing in Greece who are victims or witnesses of racist crimes. This entitles them to free medical services and health care, as well as access to the labour market.

V. Public policies and initiatives from government and civil society to combat racism, racial discrimination, xenophobia and related intolerance

31. The Special Rapporteur is pleased to note that the Ministry of Justice, Transparency and Human Rights has included the fight against racism and racist violence in its human rights national action plan for the period 2014-2016, a multidisciplinary and coordinated effort to protect and promote human rights, taking into account recommendations made by international organizations. The content of the action plan sets the guidelines for administrative, governmental, legislative and judicial structures and serves as a reference for organizations, institutions and international bodies on the implementation and realization of policies and actions aimed at protecting human rights. A special working group has been set up by the Ministry of Justice, Transparency and Human Rights to monitor and evaluate the implementation of the action plan, with the assistance of the competent authorities and civil society.

32. The Special Rapporteur was also informed of the creation of a specialized public prosecutor and the introduction of special police units which would investigate incidents of racist violence. The first public prosecutor for racially motivated crimes was appointed in 2012 to conduct preliminary investigations and hearings following the submission of relevant accusations, lawsuits or complaints involving the perpetration, preparation, provocation or incitement to the commission of crimes or offences that cause discrimination, hatred or violence against persons or groups of persons because of race, colour, religion, descent and national or ethnic origin. The prosecutor also supervises preliminary investigations conducted by the Department of Racist Violence Response of the Hellenic Police. This specialized department can open an investigation ex officio, as well as receive anonymous complaints that are later sent to the public prosecutor for action. In 2013, the State Security Directorate of the Police of Attica launched a hotline for the recording of complaints regarding incidents of racist violence.

33. With regard to the Roma community, the Government, together with the Ombudsperson, launched an integrated action plan for the period 2002-2008, in favour of the social inclusion of vulnerable groups. The action plan puts special emphasis on issues related to the rights of Roma children concerning education and medical care. The plan is aimed at promoting social inclusion by offering to Roma identification and birth certificates, along with other administrative procedures, as well as establishing an inter-municipal Roma network for access to information and other services.

34. The Ministry of National Education in 2008 initiated a programme for the education of immigrant and repatriated students, which is aimed at fostering the integration of

[11] According to media outlets, the detention centres were never shut down but they were underperforming. In respect to this, numerous migrants were liberated but they seem to have ended up living on the streets (see www.cnn.gr/news/ellada/story/17128/skepseis-moyzala-gia-epanaleitoyrgia-ton-kentron-kratisis-metanaston).

students and enabling them to develop their skills in their new environment.[14] The Special Rapporteur was pleased to note that at the time of his visit the Greek school curriculum was being revised to reinforce understanding and respect for multiculturalism, and that the training and sensitization of teachers was considered of primary importance, with an emphasis placed on the fight against discrimination, and on intercultural education. In 2013, the Ministry of Interior developed a national strategy for the integration of third-country nationals. Priority areas of the strategy are information services, education, Greek language courses, employment, vocational training, health, housing, political participation, equal opportunities, intercultural dialogue, the promotion of the principle of equal treatment, the combating of discrimination, the sensitization of the receiving society and the combating of racist and xenophobic phenomena. Furthermore, the Ministry of Interior, as responsible authority for the European Fund for the Integration of Third-country Nationals for the period 2007-2013, implemented, in collaboration with public and private stakeholders in the integration process and with civil society organizations, a series of actions promoting the smooth integration of third-country nationals in Greek society.

35. The Special Rapporteur was pleased to meet with the Racist Violence Recording Network, which was created in October 2011 by an initiative of the National Commission for Human Rights, the Office of the United Nations High Commissioner for Refugees (UNHCR) and other civil society organizations. Today, it counts 38 member organizations, which provide legal, medical, social and other support services to victims of racist violence. The Network records racist incidents and analyses the quantitative and qualitative trends relating to racist violence in Greece. Stakeholders respect the principle of confidentiality, and incidents are reported to the network without any reference to personal data.

36. The essential contribution of the Network—addressing racially motivated acts and xenophobic attitudes—appeared as early as the first months of its pilot phase. During the January-December 2014 period, the Network recorded 81 incidents of racist violence involving more than 100 victims. In 46 incidents, immigrants or refugees were targeted because of their ethnic origin or skin colour, while 32 incidents were committed against lesbian, gay, bisexual and transgender persons (in three of those cases, the victims were foreigners). It also recorded three anti-Semitic attacks, in which places of worship and symbols were desecrated. In most cases, the perpetrators were not members of extremist organizations, but rather Greek citizens, mostly men, and public servants.[15]

37. The Network recommended that the authorities update circular No. 7100/4/3 of 24 May 2006, as issued by the police, on the obligation of police officers to investigate racist motivations for crimes, to collect relevant data and to record and/or report each incident committed against someone for reasons of national or ethnic origin, colour, religion, disability, sexual orientation or gender identity.

38. Regarding racist violence and hate crimes, such as verbal abuse on the streets, the Network also recommended the following: condemnation of such acts by the political leadership and the leadership of the police force; training of police officers regarding their obligation to assist victims, intervene for their rescue and ensure that they are brought before the competent services; cooperation of police departments with governmental or non-governmental bodies and immigrant communities in order to provide medical, social and legal assistance and interpretation to facilitate access by victims to the police; abstention from prosecution on the grounds of illegal entry; and prohibition of arrest and administrative detention of witnesses during the period between filing a complaint and the

[14] See A/HRC/WG.6/11/GRC/1, paras. 84 and 86.

[15] Racist Violence Recording Network: 2014 annual report, available from http://mdmgreece.gr/app/uploads/2015/05/Report_2014eng.pdf.

issuance of the special prosecutor's act, ensuring their access to the competent authorities. The Network also recommended inclusion of sexual orientation and gender identity in the specific government departments tasked with combating racist violence, and protection of the rights of human rights defenders, namely those persons and institutions promoting and protecting human rights.

39. The Special Rapporteur also noted that several United Nations agencies in Greece had conducted programmes which targeted the elimination of racism. The Special Rapporteur was pleased to note that a number of civil society organizations provided significant services, including integrated medical clinics open to all, regardless of their migration status or financial situation. Several human rights organizations were also present in Greece and had conducted extensive research into hate speech and racist violence.[16]

VI. Main challenges in the fight against racism, racial discrimination, xenophobia and related intolerance

A. The economic and social crisis

40. Since May 2010, the Government has been enforcing harsh austerity measures that have not only undermined the enjoyment of economic, social and cultural rights, particularly by the most vulnerable groups, but also resulted in a rise of hate and xenophobic crimes against immigrant communities[17] in an attempt to find scapegoats for the crisis. Although Greece already had the highest poverty rate in the eurozone prior to 2009, the austerity measures, particularly job redundancies and cuts to wages and benefits, have pushed more than a third of the population into being at risk of poverty or social exclusion.[18] Private final consumption expenditure is the main component of GDP, accounting for 72 per cent in 2014, followed by government final consumption expenditure (20 per cent) and gross capital formation (12 per cent). Although austerity measures have included elements requiring a greater contribution to fiscal savings by the more affluent, these measures have nevertheless further reduced the income of population groups that were already at the bottom of the income distribution in 2009, thus exacerbating poverty and social exclusion. The poorest households lost nearly 86 per cent of their income, while the richest lost between 17 and 20 per cent. Moreover, the tax burden on the poor increased by 337 per cent, while the burden on upper-income classes increased by only 9 per cent.

41. There is evidence that a considerable number of individuals and families have been facing extreme hardship. For example, social workers have identified migrants, persons with disabilities and their families, single-parent families with small children, and pensioners as those most affected by the crisis.[19] Such concerns were raised recently by the Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, following his mission to Greece.[20] Children from low-income families, usually but by no means exclusively of immigrant background, are also at risk.

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[16] *Amnesty International Report 2014/15: The State of the World's Human Rights*, p. 163; Human Rights Watch, *World Report 2015: European Union* , section on Greece, available from www.hrw.org/world-report/2014/country-chapters/european-union?page=2#greece; and European Union Agency for Fundamental Rights, *Racism, Discrimination, Intolerance and Extremism: Learning from Experiences in Greece and Hungary* (Luxembourg, 2013).

[17] See A/HRC/25/50/Add.1.

[18] Eurostat, "People at risk of poverty or social exclusion", data extracted in January 2015.

[19] Caritas Hellas, in collaboration with Caritas Europe, 2013 report.

[20] See A/HRC/31/60/Add.2.

B. Hate speech

42. While being mindful of the challenges posed by the economic crisis, the Special Rapporteur recalls that hate speech cannot be tolerated on the pretext of economic hardship of a population.

43. The Special Rapporteur was informed that hate speech in day-to-day public life had increased since 2009, in particular in the context of the rise of Golden Dawn. Hate speech is directed mainly against migrants, Muslims and Roma, but also against Jews and lesbian, gay, bisexual and transgender persons. Examples include derogatory comments made on public transport, in schools, in shops or in the streets. These developments are closely linked to the rise of political extremism, as well as the current financial, economic and social crisis, which has eroded social cohesion and the ability of the State to counter its consequences.

44. The Special Rapporteur was also informed that hate speech was present in the media, and on the Internet and social media platforms; it usually went largely unchecked and unpunished, as effective self-regulatory mechanisms seemed to be lacking. The rise of Golden Dawn, facilitated by TV stations broadcasting interviews with its leadership, had led to its normalization, rather than providing in-depth information on its racist and violent ideology and activities.

45. Lesbian, gay, bisexual and transgender groups have reported that homophobic and transphobic hate speech, verbal harassment and inappropriate comments are allegedly routine in the general public discourse, resulting in them feeling constantly discriminated against and excluded in day-to-day life. The Special Rapporteur was informed, however, that the Parliament had passed Law No. 4356/2015, which since 24 December 2015 had recognized same-sex unions by allowing such couples to enter into cohabitation agreements, in compliance with a European Court of Human Rights judgment of January 2013.

46. The Special Rapporteur was also informed that some senior clergy of the Orthodox Church of Greece had publicly expressed homophobic and anti-Semitic views. The Special Rapporteur is particularly concerned by this information, as the Orthodox Church continues to play a prominent role in Greek society with a strong moral authority.

C. Racist and xenophobic violence

47. The Special Rapporteur was informed about an increasing number of incidents involving racist and xenophobic violence, especially since 2011, coinciding with the unfolding of the country's financial and economic crisis.

48. The Special Rapporteur was briefed extensively by the Racist Violence Recording Network, according to which 65 incidents had been recorded in the first nine months of 2014, 166 incidents in 2013, 154 in 2012 and 63 in the final three months of 2011. Around 60 per cent of victims in incidents recorded by the Network were beneficiaries of international protection, asylum seekers or undocumented persons from countries in which many refugees originate. Such incidents of racist and xenophobic violence involved mostly physical attacks in public places against migrants and refugees on the basis of their skin colour or ethnicity. Until mid-2013, the majority of such attacks were performed in a systematic and organized manner by self-proclaimed vigilante groups, dressed in black and at times wearing military trousers, "patrolling" neighbourhoods on motorcycles. These attacks were mostly beatings and stabbings but also included attacks on residences and shops, as well as arson attacks on places of worship. Most victims of racist attacks refrained from reporting the attacks to the police.

49. Similarly, civil society organizations provided information about "citizens' groups" which had allegedly been formed in some Athenian neighbourhoods, such as Aghios Panteleimonas and Attiki, as self-appointed neighbourhood watch groups. These groups claimed to fill the void left by the financially strapped police forces by patrolling the streets at night to protect residents and rid the streets and parks of migrants.

50. The Special Rapporteur was informed of the failure by police to respond adequately to incidents and reports of violence against migrants and asylum seekers. Despite circulars by the Ministry of Citizen Protection, amendments to the Police Code of Ethics, and training courses on human rights, the police appear ill equipped or ill disposed to investigate reports of racist violence. Police behaviour towards undocumented migrants who are the victims of racist attacks seems to nurture a lack of faith and a fear of arrest and deportation, deterring many from considering seeking assistance from law enforcement agencies. The Special Rapporteur was further informed about the underreporting of homophobic and transphobic violence. Allegations of collusion between police officers and the Golden Dawn party also seem to have diminished trust in the police among victims of racist and homophobic violence. Furthermore, the fact that the police have in the past requested a number of victims to pay a fee of €100 to lodge their complaints created an additional obstacle. Article 5 of Law No. 4285/2014 expressly rules out the imposition of such fees.

D. Racism and extremism in the political arena

51. The Special Rapporteur noted with great concern the rise of neo-Nazi ideology and the rapid increase of its visibility and influence, in both Greek society and the political arena. Since the economic crisis, Greece has seen the rise of Golden Dawn, which entered the Athens City Council in 2010 and Parliament in 2012. The leadership and members of Golden Dawn have openly voiced their hatred of immigrants and Jews on many occasions, as well as praised Nazism and Adolf Hitler, and engaged in denial of the Holocaust and in anti-Semitic hate speech.

52. Furthermore, the Special Rapporteur was informed that Golden Dawn had repeatedly used Parliament as a platform for its racist propaganda. There had been no strong reaction by Parliament to that extreme example of hate speech, which had been widely reported in the Greek media. The lack of resolute responses against hate speech in Parliament was pointed out by the Council of Europe's Commissioner for Human Rights, following his visit to Greece in early 2013. Only recently has action been taken against Golden Dawn members of Parliament by those chairing parliamentary sessions.

53. Members of Parliament representing Golden Dawn participated personally in attacks against migrants, for example, by destroying their open market stalls and verbally or physically abusing members of the public who objected to their actions, in 2012 and 2013. Such incidents were shown on major television channels, and issues of impunity were raised, as the police did not intervene during these incidents. Golden Dawn members also staged events such as the distribution of food and medicine, and the provision of free medical examinations or blood donations, only to those who could prove they were Greek citizens through their identification papers.

54. However, the party's leadership seems to have crossed a clear line in September 2013, when a Golden Dawn member allegedly stabbed to death a 34-year-old singer who was known for his anti-fascist opinions. The killing, on the outskirts of Piraeus, triggered a chain of inquiries that led to a number of high-profile Golden Dawn members being charged as belonging to a criminal organization. Several top officials of the party were subsequently arrested. So far, 78 members have been accused of constituting a criminal organization, and 30 are being held in prison awaiting trial; eight of them are Golden Dawn

members of parliament. It is the first time that an entire party and its leadership have faced trial in Greece. The trial, which began in April 2015, was set to last for at least one year, and involve 300 witnesses and 120 lawyers. At the time of writing, the trial was on its forty--fifth session, with a complete reading of the indictment and the questioning of the Greek police officers who had been called on duty the night of the crime.

E. Refugees and asylum seekers

55. The Special Rapporteur was informed by UNHCR-Greece of the arrival of about 10,000 refugees and 32,000 asylum seekers during 2014; a similar number had arrived in the first half of 2015 alone. At the time of writing, the number of refugees and asylum seekers was expected to reach 900,000, of which 56 per cent came from the Syrian Arab Republic, 25 per cent from Afghanistan, 10 per cent from Iraq and the rest from Pakistan and other countries.[21] According to a UNHCR spokesperson, the largest number of arrivals have been on Lesvos, Chios, Samos and the Dodecanese islands, particularly Kos and Leros. Smaller numbers of refugees have also been crossing into Greece through the land border with Turkey at Evros.[22]

56. The pace and scale of immigration flows to Greece continue to cause tremendous pressure on the Government, as the authorities struggle to identify and register the persons involved. The three existing reception facilities in Lesvos, Chios and Samos are severely overcrowded. Refugees awaiting registration, including families with children, have no choice but to sleep in the open. In addition, many refugees landing on remote beaches, including older people and small children, have had to walk for miles carrying their belongings to the nearest reception centre because of a lack of transport. Similarly, there is no regular provision of food or drinking water to refugees, unless they are accommodated in police-run facilities for registration and processing.

57. The economic crisis has also hit civil society organizations, which used to provide services to asylum seekers and refugees. Refugees and asylum seekers are further discriminated against in their search for accommodation, social services and employment.[23] Some refugees and asylum seekers have reported being treated as criminals by the police as well.[24] Many refugee organizations have pointed out that cases of racist violence by the police are not reported, either to the authorities or to public hospitals.

58. The Special Rapporteur has also been informed of the extensive use of administrative detention, which is being applied to migrants and asylum-seekers without individual assessments.[25] Consequently, asylum seekers, including those from vulnerable groups, such as unaccompanied minors not properly registered as adults upon arrest and

[21] UNHCR, "Refugee/migrants emergency response—Mediterranean", available from http://data.unhcr.org/mediterranean/country.php?id=83http://data.unhcr.org/mediterranean/country.php?id=83.

[22] "UNHCR boosts presence in Greek islands to cope with soaring refugee arrivals", 5 June 2015, available from www.unhcr.org/557171779.html.

[23] According to UNHCR, in 2013, the regional authorities issued and renewed 6,952 work permits for asylum seekers and rejected 1,620 requests while, in the same period, there were more than 33,000 active cases of applications for international protection pending with the police and the new Asylum Service (see "Greece as a country of asylum: UNHCR observations on the current situation of asylum in Greece—December 2014").

[24] Deutsche Welle, "Racism increases in Greece", 25 April 2013, available from www.dw.com/en/racism-increases-in-greece/a-16773119.

[25] European Migration Network report on the use of detention and alternatives to detention in the context of immigration policies in Greece (2014). Available from http://ec.europa.eu.

victims of torture, are detained under particularly problematic conditions.[26] Following a visit to Greece in 2013, the Working Group on Arbitrary Detention made reference to large-scale round-up operations in which foreigners were detained on discriminatory grounds and released shortly thereafter.[27]

59. The European Court of Human Rights has repeatedly condemned Greece for the conditions of detention and failure to provide access to the asylum procedure.[28] In particular, during the first half of 2015, there were 11 noteworthy cases involving refugees and asylum seekers, most of them concerning alleged violations of articles 3 and 5 of the European Convention on Human Rights, on the prohibition of inhuman or degrading treatment or punishment, and the right to have the lawfulness of one's detention decided speedily by a court, respectively.[29]

F. Migrant workers

60. The percentage of non-nationals in Greece was reported as being 7.7 per cent of the total population in 2014 and has been growing since that time.[30] It has also been reported that the current economic crisis and growing xenophobia among the population have reduced immigrant registration. Therefore, the actual size of the foreign-born population is estimated to be significantly higher, between 1 million and 1.3 million people, comprising as much as 10 per cent of the population. Migrants come from 120 countries, the majority of them — around 90 per cent — from the Balkans, countries of the former Union of Soviet Socialist Republics and South Asia.

61. Migrants offer low-paid unskilled labour, thus enabling small businesses in particular to face growing competition by reducing their costs. The weakening of social protection, the need for flexibility in labour relations and the restructuring of the economy have all contributed to the intensity of this phenomenon. At the same time, there has been a shift in the professional orientation of Greek nationals, who search for higher-quality jobs. Therefore, professions that are seasonal in nature (agriculture, tourism, construction and fishing) are often occupied by migrants who, due to economic hardship, have become a flexible workforce.[31]

62. The priority awarded to Greek and European Union citizens in the labour market also makes it difficult for other foreigners to find employment. This restriction is aggravated in the current context of economic crisis and xenophobia in Greece, with migrants being the most-affected group. Unemployment rates among migrants reached 40.5 per cent in 2013, double the rate among Greek nationals. Social protection programmes have been known to discriminate on the basis of country of origin with regard to coverage of family members.

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[26] Médecins sans frontières, "Invisible suffering: prolonged and systematic detention of migrants and asylum seekers in substandard conditions in Greece" (April 2014), available from http://cdn.doctorswithoutborders.org/sites/usa/files/attachments/invisible_suffering.pdf.

[27] See A/HRC/27/48/Add.2, para. 62.

[28] In its ruling in *M.S.S. v. Belgium and Greece*, the European Court of Human Rights stated that Belgium had violated the rights of irregular migrants, while Greece was condemned for conditions of detention and ill-treatment of migrants.

[29] European Union Court of Human Rights, Press Unit, Press country profile, Greece (updated in October 2015).

[30] Eurostat, migration and migrant population statistics, May 2015.

[31] See http://extras.ha.uth.gr/g-m/ln2/paper_05.asp.

63. In the past 10 years, there has been an increase in the number of persons working in the informal economy, which attracts migrant workers who are willing to work under grueling conditions without insurance and for lower wages. This regime excludes migrant workers from social services and insurance and renders them vulnerable to exploitation. Moreover, the informal economy also displaces local workers from certain sectors, such as construction, thus exacerbating sentiments of intolerance and racism against migrant workers.

G. Roma

64. The Special Rapporteur witnessed first-hand, through his visit to the Spata settlement outside of Athens, continued discrimination against Roma and how they remain economically and socially vulnerable. In the past, several other United Nations special procedure mandate holders and European mechanisms have raised similar concerns regarding the Roma community of Greece. Their housing conditions, and access to health care and other social services, have nevertheless remained unchanged, even after the various recommendations from international and regional mechanisms. The Special Rapporteur is particularly concerned that the children in the settlement are unable to attend school or to complete primary education, and that the settlement still does not have electricity, which has implications for both the education of the children and their health.

65. Roma continue to be victims of day-to-day insults by members of the general public, and are also subject to negative stereotyping in the political discourse. In addition, the continuing segregation and marginalization that Roma communities face in Greece often go unnoticed by the wider public, even though exclusion from services is ongoing. In May 2013, the European Court of Human Rights, in *Lavida and Others v. Greece*, ruled that the segregation of Roma children into a separate primary school in Sofades, a town in Thessaly, in central Greece, constituted discrimination and a breach of the right to education. It was the third European Court ruling on discrimination against Roma pupils in Greece.

66. Other endemic problems were also brought to the attention of the Special Rapporteur, including lack of or limited access to justice, police brutality, discriminatory and racist attitudes and treatment by prosecutors, and excessive delays in dealing with cases brought before the courts by Roma. A number of cases have reached the European Court of Human Rights due to the failure of domestic remedies; in several such cases, the Court has found that ill-treatment and injury were committed by the police against Roma.

VII. Conclusions and recommendations

67. **Greece has undergone dramatic changes in recent decades, including significant positive developments in the area of human rights, reflected in the work of the well-respected National Commission for Human Rights and civil society, which play a fundamental role in safeguarding the progress made. Similarly, the Government has made important progress in addressing the issue of racism and xenophobia in the midst of a continued economic downturn and the arrival of hundreds of thousands of asylum seekers and migrants due to the ongoing conflicts in the Middle East and North Africa. In particular, the creation of the public prosecutor for racist crimes and special police units, along with the adoption of the human rights action plan for the period 2014-2016, are some of the important initiatives that have been undertaken. These developments have provoked an important debate on diversity, racism and xenophobia in the country, despite the many challenges facing vulnerable individuals and groups, as discussed above.**

68. **In this connection, and in a spirit of continued constructive dialogue with the Government and other relevant stakeholders, the Special Rapporteur wishes to formulate the recommendations listed below.**

Legal framework

69. **The Special Rapporteur recommends that the Government:**

(a) **Expedite the ratification of United Nations treaties that still have not been ratified, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms and the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, should also be ratified;**

(b) **Amend Law No. 4285/2014 to include language and citizenship among the existing list of grounds of discrimination in articles 1 and 81A. The Law should also criminalize the public expression, with a racist aim, of ideologies with a claim of superiority, defamation and the public dissemination or production and storage of racist material;**

(c) **Amend Law No. 3304/2005 to include the grounds of colour, citizenship and language, extend the scope of chapter III of that Law to include social protection, education and access to goods and services, and include a direct obligation on all public authorities to prevent discrimination in the carrying out of their functions.**

Institutional framework

70. **The Special Rapporteur recommends that the Government:**

(a) **Amend the founding Law of the Greek Ombudsperson's Office, Law No. 24/77/1997, to strengthen the role of the Office by granting it the right to initiate and participate in court cases, as well as intervene in favour of plaintiffs whose cases it has investigated;**

(b) **Grant the Equal Treatment Committee and the Labour Inspectorate an independent status similar to that of the Greek Ombudsman.**

Hate speech

71. **The Special Rapporteur recommends that the Government:**

(a) **Set up a national monitoring mechanism for incidents of hate speech that should include, but not be limited to, a centralized database for court cases;**

(b) **Train its public servants to respect and defend human rights.**

72. **Civil society and Greek institutions that fight against racism can play an important role in the reduction of hate speech as well. This could be realized through campaigns in all public areas and on transport, with the collaboration of the Greek authorities at both the national and municipal levels.**

Discrimination, violence and hate-motivated offences

73. **The Special Rapporteur also recommends that:**

(a) **The Government initiate a reliable and effective body of inspection and data collection, independent of the police and prosecution, entrusted with the**

investigation of alleged cases of racial discrimination and racially motivated misconduct by the police;

(b) The school curriculum be revised in order to raise awareness and further promote acceptance of diversity and the contribution of migrants to Greek society from an early age;

(c) All national policies regarding discrimination be developed together with representatives from minority groups and the lesbian, gay, bisexual and transgender community;

(d) All police officers be instructed that no fee is to be charged for reporting racist, homophobic or transphobic violence, and that victims of such violence should always be informed accordingly about the procedures for reporting crimes;

(e) All police officers should be trained on the respect and promotion of human rights, new competences should be given to the specialized units on racism regarding victims of hate crimes based on sexual orientation and gender identity, and the police hotline should be staffed with interpreters (at least in Arabic, Farsi and English);

(f) Training for judges and prosecutors should be provided on the application of article 81A of the Criminal Code on hate-motivated offences for which cases of violent incidents on racist and/or homophobic or transphobic grounds are an integral part of investigations and judicial proceedings.

Racism and extremism in the political arena

74. The Special Rapporteur would also like to stress the need for substantial verification of pledges of constitutionality and the banning of racist parties. While outlawing a political party will not be sufficient to change the attitudes of its voters, and might even increase their appeal in the eyes of some, the Special Rapporteur recommends that such a step be taken as a clear signal that organizations advocating racial hatred cannot be considered as a legitimate political force. In this respect, the Special Rapporteur recommends that the authorities launch a broad-based public campaign to denounce racist attitudes as contrary to Greek values and interests, promote an inclusive approach towards Greek identity, with respect for diversity, and end impunity for acts of hatred committed by members of extremist violent parties. He also recommends that the police intervene immediately during violent acts committed by supporters or members of extremist violent parties.

Refugees and asylum seekers

75. The Special Rapporteur recommends that the authorities:

(a) Ensure thorough and independent investigations into alleged human rights violations in the context of border patrols. Furthermore, where medical services are provided by civil society organizations, access to such services should not be jeopardized by police checks;

(b) Decriminalize the provision of accommodation to irregular migrants that are homeless, or even to vulnerable applicants such as mentally ill persons and victims of torture;

(c) Provide for guarantees for those migrants who do not own residence permits in order for them to feel free to report crimes.

Migrant workers

76. The Special Rapporteur recommends that the authorities permanently reduce the number of work stamps needed to renew residence permits and that the Labour Inspectorate pay special attention to the working conditions of migrants in order to prevent their exploitation.

Roma

77. The Special Rapporteur calls upon the Government:

(a) To create a monitoring and accountability mechanism for the implementation of the new Roma Integration Strategy for the period 2012-2020 in which Roma communities will be represented;

(b) To develop an effective strategy in order to put an immediate end to de facto segregation affecting Roma children in Greek schools;

(c) To take action to address the isolated Roma communities living outside of urban areas and promote their access to basic commodities.

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Agenda item 10
Technical assistance and capacity-building

Report of the Chair of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 18/18, in which the Council invited the Chair of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights to present a comprehensive report on the Board's work on an annual basis, starting from the twentieth session of the Council. It provides an update on the work of the Board of Trustees of the Fund since the previous report of the Chair of the Board (A/HRC/29/48).

* The annexes to the present report are circulated as received.

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Contents

		Page
I.	Introduction	3
	A. Background	3
	B. Mandate	3
II.	Activities and results of the Voluntary Fund and the Board of Trustees	4
	A. Forty-second session (Geneva)	4
	B. Forty-second session (Ukraine)	6
III.	Technical cooperation	8
	A. Technical cooperation to reflect national development objectives	8
	B. Synergy and partnerships with other United Nations entities	11
	C. Measuring results of technical cooperation, and the response of the Office of the High Commissioner	12
	D. Main findings, challenges identified and recommendations	13
IV.	Status of funding and donors	13
Annexes		
I.	Voluntary Fund and expenditure trends: 2008 to 2015	15
II.	Voluntary Fund cost plan and expenditure: 2015	16
III.	Financial status of the Voluntary Fund: 2015	17
IV.	List of donors and contributors: 2015	18

I. Introduction

A. Background

1. The United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, established by the Commission on Human Rights in its resolution 1993/87, receives voluntary contributions from Governments, organizations and individuals. The objective of the Fund is to provide financial support for technical cooperation aimed at building and strengthening national and regional institutions, legal frameworks and infrastructures that will have a positive long-term impact on the implementation of international human rights standards.

2. The Board of Trustees has been operational since 1993 and its members are appointed by the Secretary-General for a three-year renewable term. The mandate of the Board is to assist the Secretary-General in streamlining and rationalizing the working methods and procedures of the technical cooperation programme. It meets twice a year and reports on its work to the Secretary-General and the Human Rights Council. Its current members are Mariclaire Acosta Urquidi (Mexico), Christopher Sidoti (Australia), Lin Lim (Malaysia), Esi Sutherland-Addy (Ghana) and Ilze Brands Kehris (Latvia). Ms. Brands Kehris was appointed to the Board on 17 February 2015, replacing Valeriu Nicolae (Romania), who resigned in January 2015 following his appointment to the Government of Romania. The Board elected Ms. Lim as Chair from 30 June 2015 until 30 June 2016, when she will be succeeded by Mr. Sidoti, who was re-elected as Chair by the Board at its forty-second session.

B. Mandate

3. Throughout the period under review, the Board continued to engage actively with the Office of the United Nations High Commissioner for Human Rights (OHCHR), including its field presences, providing advice on policy orientation and strategic vision on technical cooperation components of all its programmes. This refocused approach was agreed upon by the Board of Trustees and presented in 2011 to Member States in the annual report of the Secretary-General to the Human Rights Council (A/HRC/16/66).

4. The members of the Board are also the constituent members of the Board of Trustees for the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review. In that capacity, they continued to provide OHCHR with policy guidance in order to maximize the effectiveness of technical assistance and financial support for States in implementing recommendations of the universal periodic review and other international mechanisms at the State level (see A/HRC/32/28). In this dual capacity, the Board also sought to promote the synergies and, hence, the more effective use of both funds.

5. The Board holds its annual sessions both in Geneva and in countries where OHCHR has a field presence. The field sessions continue to be particularly useful in enhancing the Board's understanding of the nature of the technical cooperation provided by OHCHR through the two funds and in enabling the Board to observe with all partners the effectiveness of the results achieved. The briefings and analysis of the financial and programmatic elements governing the two funds during the sessions in Geneva also have key importance for the Board members to be able to continue to advise OHCHR and its senior management on the various aspects of the two funds. OHCHR has also increased opportunities for the Board to provide specific advice on the technical cooperation components relevant to each of its six thematic strategies. Through these discussions and

advice, the Board has been able to better understand the value added by the Office's programmes on the ground, including how these relate to the requirements and expectations from a wide range of partners.

6. At the beginning of 2015 and in view of the challenging financial situation of OHCHR, the Board decided, as a temporary measure, to hold only one session in 2015 rather than the usual two, as a symbolic contribution to reducing the existing funding gap. The Board has decided to resume its two regular sessions in 2016. For this reason the present report covers the forty-second session of the Board in its capacity relating to the Voluntary Fund for Technical Cooperation in the Field of Human Rights, which was held in February 2016. The second session for 2016 will be held later in the year in the field.

II. Activities and results of the Voluntary Fund and the Board of Trustees

7. The Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights held its forty-second session in Geneva from 18 to 19 February 2016 and in Kyiv from 22 to 26 February 2016. The session was chaired by Lin Lim, who had been elected Chair of the Board of Trustees at its forty-first session. Three members of the Board attended the session in person and two participated using new communications technology. The Board took the opportunity to welcome formally a new member, Ilze Brands Kehris.

A. Forty-second session (Geneva)

8. The main objectives of the session held in Geneva were to take stock of the financial and administrative situation of the Office and of the Fund, in particular in the context of the implementation of the new financial and administrative management system of the United Nations Secretariat (UMOJA); to be briefed on work planned by the field presences scheduled to receive support from the Fund in 2016; to analyse the expected results of these presences under each of the thematic strategies, and to receive an update on the implementation of the Organizational Management Plan for 2014–2017; to share views and engage closely with the relevant sections of the Research and Right to Development Division on the practical development and use in the field of the thematic and policy guidance relevant to technical cooperation; to acquire a better understanding of the work of OHCHR in the area of migration and economic, social and cultural rights; and to find ways to continue to encourage the development of sound technical cooperation opportunities on the ground in these critical areas. The Board also took the opportunity to discuss with the relevant services possible ways for the Board to better support the Office's fundraising efforts, and to be briefed for its visit to Ukraine.

9. In opening the session, the Deputy High Commissioner referred to the financial situation of OHCHR and the savings made by the measures implemented throughout 2015, which had included a substantial reduction in a number of programmes. The Board expressed its support for the ongoing efforts by OHCHR management to reduce the funding gap further. The Board remained deeply concerned, however, about the impact of these reductions on the capacities of the Office to respond adequately to the urgent needs on the ground, and therefore urged States to increase both the proportion of the United Nations regular budget allocated to OHCHR and their own voluntary contributions to OHCHR and its trust funds.

10. The Board appreciated the high quality of the analysis, information and specific reports on the use of the Fund presented by the secretariat, despite the challenges that OHCHR faced in implementing the new administrative and financial system (UMOJA), in

particular, to access accurate and timely information on expenditures, provide financial reports and make timely payments of grants to partners. That had resulted in numerous delays and problems reported by OHCHR partners on the ground and might have had a negative impact on the credibility and operational capacities of OHCHR, despite the professionalism of its staff. There was clearly an urgent need to resolve the teething problems relating to UMOJA and improve administrative and financial arrangements. Such improvements would also facilitate the Office's resource mobilization efforts.

11. The Board analysed with the relevant services of the Office the trends of the Fund over the past seven years. It noted with great concern the drop in contributions compared with 2009, when total income had stood at $21 million; the demands for technical cooperation support had nonetheless grown tremendously. In 2015, total income had shrunk to $13 million, while the needs and requests for technical cooperation support had amounted to $17.5 million. The analysis is annexed to the present report.

12. The Board held discussions with relevant staff on the Office's work in the area of migration. The Board understood the decision taken in 2013 to integrate migration across all the thematic strategies rather than maintaining it as a distinct thematic strategy. The risk of such mainstreaming, however, was that it could increase the number of activities on migration while at the same time cause a disconnect between them as an integral part of the larger plan aiming at achieving visible and tangible overall results. The Board was pleased to note that OHCHR, through the establishment of a multidisciplinary task force, was striving to minimize such risks. Certainly, the crisis in mass movement of people in 2015 had posed unexpected challenges for the Office. There was no prospect of the crisis abating in the near future; indeed, it could become even worse. Under those circumstances the Office needed to plan to continue allocating a high priority to addressing the human rights issues arising from this mass movement of people. It would be important also from a technical cooperation perspective to ensure that the voices from the field were taken fully into account when designing the strategic direction on this complex issue, ensuring that the plans reflected the realities and possibilities for real impact on the ground.

13. The briefings with the Chief of the Rule of Law, Equality and Non-Discrimination Branch and her team and with the Chief of the Human Rights and Economic and Social Issues Section during recent sessions of the Board were found to be particularly useful by the Board. In the Rule of Law Section, for example, the synergies and mutual support between the field presences and Geneva had been clearly demonstrated during the Board's visits to Mexico, Tunisia and Cambodia and, more recently, Ukraine. For example, in Ukraine, the cooperation and support in preparing the quarterly reports and providing legal advice on the derogation of certain provisions of the International Covenant on Civil and Political Rights were, in the view of the Board, excellent practices. It encouraged the Office to ensure wider access by the field presences and external partners to the thematic information sheets produced by the Rule of Law, Equality and Non-Discrimination Branch, which the Board had found to be a key resource in the area of technical cooperation and advisory services.

14. The Board also confirmed throughout all its field visits that demands for specific technical cooperation in the area of economic and social rights continued to grow. While the Office had in recent years invested in strengthening its human capacity to respond adequately, it had been obliged, owing to recent funding constraints, to substantially limit or to discontinue relevant staff training. The Board considered that that was an area requiring particular attention in midterm and long-term strategies to ensure support and follow-up training to strengthen capacity and yield effective results. The results observed by the Board, for example in the area of land rights and housing rights, when the Office had the financial and human resources, were particularly impressive. All the constituencies that the Board had met during its field visits had particularly valued the Office's contributions,

convincingly demonstrating that, with a well-staffed OHCHR presence, the chances for long-lasting results and impact were considerably higher. Understanding the realities on the ground and having the possibility of closely analysing the needs and how best to address them jointly with all partners were part of a continuum that could not be artificially separated.

B. Forty-second session (Ukraine)

15. In accordance with the Board's practice of holding one of its two meetings each year in a State where OHCHR has a field presence, the second part of the forty-second session was held in Kyiv. The main purpose of the visit, as in the case of previous visits to the field, was to continue to gather in situ observations of the role and added value of OHCHR on the ground and to increase its understanding of the type of technical cooperation that OHCHR provides, and to give relevant guidance.

16. The Board's visit to the Human Rights Mission in Ukraine, its first to this type of OHCHR field presence, provided the Board with an excellent opportunity to observe in situ how the Office had been able to respond swiftly to the crisis that unfolded in February and March 2014 and to deploy a mission in a very complex situation. OHCHR had the advantage of already having a presence there, with expertise and experience, through the deployment of a human rights adviser to the United Nations country team since 2011 supported by the Fund. The visit also offered the Board the possibility to observe the contributions made by the Human Rights Adviser and to gain an insight into the relevance of such a presence in the preparation and subsequent deployment of the Mission. The start-up financing from the Secretary-General's contingency fund and the engagement of OHCHR senior management were critical to the rapid response.

17. The Board discussed with the staff in the Mission, different national authorities, the Ombudsman's Office, United Nations partners, regional organizations and civil society how OHCHR had managed to establish the Mission in early 2014 and had immediately commenced its extensive monitoring work. From the outset, it had been a key partner in the country. The support and visits, constant engagement and advocacy by the Assistant Secretary-General for Human Rights were found to be critical at all levels. The discussions with the Ministry of Foreign Affairs, the Ministry of Justice, the Ombudsman's Office, the Resident Coordinator and the United Nations country team, and with civil society organizations, all confirmed this. The Board recognized the positive impact of close and regular support at the highest levels of OHCHR on field presences.

18. All the Mission's partners also noted that, over the past two years, the Mission had developed a remarkable capacity to strike an effective and appropriate balance between the situations on both sides of the contact line, monitoring and reporting on the human rights situation, challenges and violations in both areas with a totally impartial and transparent approach and a strategic use of "protection by presence". The results of the intensive monitoring work combined with the unique technical capacity of the staff were used strategically by all partners to undertake their own endeavours, including the design of strategic technical support on the ground. This is the essence of the type of technical cooperation that OHCHR can offer and is best placed to offer, as the Board noted in all its visits and reported to the Human Rights Council. Human rights monitoring and technical cooperation and advisory services need to be understood as part of a continuum by which evidence-based information on the situation and the challenges on the ground are carefully studied and analysed to advise all interested partners on the extensive variety of tools and support available to jointly design the best course of action. This natural progression of work was recognized and appreciated by all the partners that the Board met. While this was

particularly evident in Ukraine, the Board had observed a similar degree of appreciation in other countries it visited, such as Cambodia, Mexico and Tunisia.

19. During the visit, the Board held discussions with representatives of the Ministry of Foreign Affairs and the Ministry of Justice on the support provided in various thematic areas, including through technical cooperation and advisory services. Particularly important for the Board was the clear expectation that the Mission would continue to play a key role in providing technical advice and support beyond its current short-term mandate. While there had been numerous reforms, institutions had been established and new laws, policies and practices relevant to human rights promotion and protection formulated, all partners interviewed held that Ukraine still required major technical support and advice to continue to make the reforms and their operationalization fully compliant with international human rights standards. The current efforts of the Mission to start issuing thematic reports with focused and analytical discussions were eagerly awaited and welcomed by all partners. They stated that the reports could further strengthen their own capacity to better support the State, with cooperation more focused on areas requiring particular attention.

20. The Board considered that one of the most significant factors limiting the capacities to further build on the achievements made to date was the very short-term nature of the Mission's mandate. While the initial deployment was for three months, it had been subsequently extended every three months for two years, until the most recent extension, which was for six months, until September 2016. In view of the clear expectations of the Government and partners in country, the Board very much hoped that the Government and OHCHR would agree on a three-year plan, based on annual mandates, that would enable more strategic planning, longer-term programmes and projects to meet ongoing expectations for technical assistance and to support more sustained and realistic fundraising possibilities. The Board appreciated the excellent capacities of the Mission to build solid partnerships with all actors in the country and the openness and frankness of all interlocutors in expressing their appreciation for the added value of its work at this critical juncture for Ukraine. Particularly relevant was the interest in relying on the Mission's views and guidance to ensure that technical cooperation addressed the key concerns and focused on achieving sustainable results for the people of Ukraine.

21. Discussions with civil society representatives were also particularly helpful for the Board to understand the complexities of the situation and to develop expectations of how the Mission, through technical cooperation, could protect and increase space for civil society to operate and better engage with the human rights mechanisms.

22. During meetings with the Board, the Resident Coordinator and representatives of United Nations agencies and programmes, including the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women and the International Labour Organization, confirmed the critical guiding role that OHCHR was playing on the ground, including in advising on the support of the Human Rights Up Front initiative in the context of implementation of the United Nations Development Assistance Framework. All agencies confirmed their reliance on the Mission's reports and advice to adequately integrate key human rights issues into United Nations common analysis and programmatic interventions. The Board was extremely pleased by the level of coordination and support on the ground. The Mission, its advice and its reports served as the main references for all United Nations partners in the context of their own mandates. How the United Nations system was taking advantage of the Mission's expertise was, in the eyes of the Board, a good practical example of the functioning of the Human Rights Up Front initiative.

23. The Board also met with the Ombudsman's Office to discuss the cooperation opportunities with the Mission for strengthening the national protection system. Following the interest expressed by the Ombudsman's Office in strengthening the mechanisms for

follow-up on the recommendations of the universal periodic review and other human rights mechanisms, an interest also shared by the Ministry of Justice, the Board provided information about the possibilities of additional support through the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review, which could complement the ongoing collaboration within the country. It also shared with them some recent experiences in various other regions.

24. The work of regional partners, such as the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and the European Union, the cooperation with the Mission and the mutually reinforcing coordination were also areas of interest for the Board during its visit. In the meetings with the Representative of the Secretary-General of the Council of Europe and the Chief of the OSCE Monitoring Mission, the Board discussed how partners in the country make the best use of the reports and the work from the Mission and how coordination function in practice. The Board was very pleased to observe the excellent coordination on the ground and how the relevant partners work strategically to maximize each other's added value for maximum impact. Although regional partners have more human and financial capacity, the Board observed that there are great expectations on OHCHR to provide not only objective evidence and analysis in its monitoring reports but also active advice and support on the type of technical assistance required.

25. The Board found that the priorities of OHCHR, as articulated through the Mission, were very much in line with the expectations from all partners in the country, and that the Mission's experience should serve as a good example of what can be achieved even in difficult and complex circumstances, provided that the Office has the opportunity and received the support and the resources needed to demonstrate its capacity. While there had been many developments in the country over the past three years, this was a critical juncture to ensure that reforms and changes lead to positive results for the effective promotion and protection of human rights. All the partners that the Board met saw the Mission's reporting work and the advice and technical support that it could provide as playing a key role in ensuring that their own programmes and actions moved towards full compliance with international standards. They saw that as a role the Office should continue to play. The Board was most impressed with the professionalism, dedication and commitment of the Mission's staff, who work in a very difficult and a challenging context.

26. The Board took the opportunity of its last day in Kyiv to hold an internal meeting on its future programme of work. During the meeting, the Board formally elected Christopher Sidoti as its Chair, to succeed Ms. Lim from 1 July 2016. The Board also proposed that its next field session in October 2016 should be to a country office in Latin America.

III. Technical cooperation

A. Technical cooperation to reflect national development objectives

27. The Board has brought to the attention of the Human Rights Council a number of components for effective technical cooperation by OHCHR that have become evident in its experience of overseeing the management of the Voluntary Fund. The Board, through its reports and presentations to the Council, had already elaborated on (a) the importance of anchoring technical cooperation to the universality and indivisibility of all human rights, including both protection and promotion aspects; (b) the critical importance of building and strengthening national frameworks and institutions in the field of human rights through technical cooperation and advisory services; (c) the importance of partnerships with United

Nations entities on the ground; and (d) the need for technical cooperation programmes to ensure the broadest possible participation of all elements of national societies.

28. The Board continues to elaborate on the main elements of the above-mentioned components, as it considers that this could be beneficial for supporting the Office in the implementation and development of the technical cooperation aspects of its programme for 2014–2017 and subsequent ones. In the present report, the Board elaborates on its view that effective technical cooperation should reflect national development objectives, ensure the highest levels of ownership and sustainability and respond to genuine interest, international commitments and efforts for human rights promotion and protection.

29. The Board is of the view that, on the one hand, for technical cooperation in the field of human rights to have effective and sustainable results, it has to be closely aligned with national development objectives and, on the other, sustainable socioeconomic development hinges on the human rights-based approach. The human rights-based approach is both a perspective and a process that can lead more directly to increased enjoyment of human rights and socioeconomic development. Development processes — traditionally, technical and economically oriented — are becoming increasingly focused on the enjoyment of rights. Such an approach is based on the conviction that human rights and development are closely interrelated and mutually reinforcing.

30. The adoption of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals[1] makes it even more important and feasible for OHCHR technical cooperation programmes to support national development objectives. States individually and collectively have committed to the implementation of the 2030 Agenda and the 17 Sustainable Development Goals. That requires the Agenda and the Goals to be incorporated into State development objectives, strategies and plans. The Agenda and the Goals are, in turn, closely related to human rights. The Agenda is grounded in the Universal Declaration of Human Rights and international human rights treaties.[2] Every Goal has a basis in international human rights law. OHCHR has a central role to play in promoting the 2030 Agenda and the Sustainable Development Goals through human rights. Its technical cooperation programmes should contribute substantially to that effort and seek to do so especially in association with national development objectives, strategies and plans.

31. The importance of the human rights dimensions of each of the 17 Sustainable Development Goals cannot be underestimated. The Board is pleased to note the efforts of OHCHR to undertake a thorough review of its thematic strategies and their relevance to the implementation of the 2030 Agenda. The technical support from OHCHR for legislative and policy development and reform and capacity-building for rights holders and civil society, for instance, are areas where the Board has been able to observe the critical impact that the Office's advocacy, convening role and technical expertise can make to support real and tangible change on the ground. The Board encourages States to continue to use and request the Office's support and guidance while transforming their national development objectives.

32. Aligning technical cooperation on human rights with national development objectives should entail support for States to ensure that policies and institutions to promote development base themselves on the obligations that emanate from international human rights standards. Human rights instruments provide a coherent framework for practical action to carry out national development objectives, such as the reduction of poverty. For economic and social development processes to be sustainable and effective, they have to be

[1] General Assembly resolution 70/1.

[2] Ibid., para. 10.

participatory, transparent and non-discriminatory. The protection of the right to participate in decisions that affect the lives and livelihoods of the people that the United Nations serves, the voice to express their needs, the ability to engage in development projects and programmes, and the right to share fairly and equitably in the fruits of development are some of the paramount premises that should govern these technical cooperation programmes. The Board reiterates its views that "participation" should be understood as an inclusive term that refers to engagement with all relevant actors in all the stages of the technical cooperation process: design, implementation, monitoring and evaluation.

33. Corruption, discrimination, inequality, especially gender inequality, and abusive power relations are often at the heart of development challenges and obstacles. The Board, through its experiences on the ground, is convinced that technical cooperation programmes aimed at respecting and strengthening the rule of law, in accordance with international standards, are critical in the establishment of conducive and supportive environments enabling sustained and sustainable development. Through such programmes, the establishment of effective, transparent and accountable institutions should form the basis of development and equitable distribution. Capacity-building programmes aimed at strengthening national institutions, such as the judiciary and national human rights institutions fully compliant with the Principles relating to the status of national institutions (the Paris Principles),[1] are essential. Equally critical are programmes to enable civil society to work freely and to participate actively and effectively in these processes.

34. Since its establishment, the Fund has supported numerous programmes on the ground aiming at integrating human rights into national development efforts, notably through OHCHR country presences and human rights advisers in United Nations country teams. The Board has noted and valued the role of OHCHR, in particular the role of the Human Rights Advisers, in providing technical know-how and support to mainstream human rights standards into United Nations Development Assistance Frameworks and to assist the United Nations country teams to operationalize such standards. One example is Ecuador. In 2008 the national report of Ecuador to the universal periodic review defined the inclusion of a human rights-based approach to planning as a priority for international cooperation and in 2009 the National Secretariat for Planning and Development (Secretaria Nacional de Planificacion y Desarrollo) requested OHCHR support for this endeavour through technical cooperation. Through the support of the Human Rights Adviser, the collaboration between OHCHR and the National Secretariat produced a number of relevant results, including the guidelines for the integration of a human rights-based approach in the national development plan, which were adopted by ministerial decree making them compulsory, as well as the development of an atlas of socioeconomic inequalities. This collaboration has been presented in Human Rights Council debates by the State on various occasions as successful in placing people and their rights at the centre of development planning and in guiding the implementation processes. In 2011 the Ministry of Justice of the Palestinian National Authority requested OHCHR assistance in preparing an action plan that integrated a rights-based framework into national development. This resulted in the preparation of effective and implementable guidance for the incorporation of human rights into the 2014–2016 Palestinian National Development Plan.

35. In 2015, several results of this type of cooperation were achieved with resources from the Fund. The Bolivian Human Rights Council approved the National Human Rights Action Plan for 2015–2020, which is being considered by the Ministry of Development Planning. The Office assisted in its preparation. In March, the Bolivian Human Rights Council also approved the Plurinational Human Rights Policy for 2015–2020, which

[1] General Assembly resolution 48/134.

includes a comprehensive overview of human rights actions to be undertaken by the State. OHCHR supported the State through technical cooperation in this endeavour and continues to support national efforts for its nationwide dissemination. In Paraguay, the inter-institutional mechanism (SIMORE) developed with the support of the Human Rights Adviser to facilitate the implementation of and follow-up to recommendations issued by regional and international human rights mechanisms is being used to inform policy and practice. In addition to contributing to the State's accountability and transparency, the tool supports the activities of a large range of users, including many national and international development partners. Based on the information available in the inter-institutional mechanism, the Government in 2015 developed, inter alia, a national plan for the rights of persons with disabilities.

36. During its field visits, the Board had the opportunity to see and discuss the results of technical cooperation with the relevant authorities and partners, for example during its visits to Tunisia, Mauritania, Mexico and Cambodia. The discussions have reflected the contribution of technical cooperation programmes to national development plans. During the Board's recent visit to Ukraine, the Government and United Nations partners on the ground informed the Board of the technical support received for the preparation of the draft national human rights plan of action. OHCHR supported the preparation of the draft by stressing the importance of reflecting the recommendations made by United Nations human rights mechanisms in relation to Ukraine. The draft plan of action now identifies key objectives, well-defined activities, a clear implementation time frame and responsible actors, and benchmarks and indicators to monitor implementation. The Office facilitated the participation of United Nations agencies in the drafting process by establishing a working group, comprising 10 United Nations agencies, which met regularly to coordinate their inputs to the draft. In addition, in November 2015, the Resident Coordinator submitted an assessment of the draft by the United Nations country team, based on consultations with United Nations agencies and substantive support provided by OHCHR, to the Government of Ukraine.

37. Human rights technical cooperation programmes in support of national development objectives need to take into account how these programmes address the particular situation of the most discriminated and disadvantaged groups in society, including ethnic minorities and indigenous peoples. Ensuring that their needs and concerns are not only heard but taken into account in the design and implementation of these programmes should be a priority. The Office has developed numerous good practices to support free and informed participation processes, in particular in the Americas. The Board has observed during its visits how the Office enables cross regional fertilization of these experiences. During the visit to the OHCHR country office in Cambodia, in the context of the extended role of the Board for policy advice to OHCHR on the broader technical cooperation programmes, the Board learned about the ongoing technical support programme for rights holders to strengthen their capacity to meaningfully participate in processes that affect them with regard to land and housing rights and indigenous rights. This process includes capacity-building for all relevant actors, including the local authorities. In 2015, the Board learned that one of the communities supported by the Office successfully claimed more than 700 hectares of ancestral land through the communal land titling process.

B. Synergy and partnerships with other United Nations entities

38. During its visits to OHCHR field presences, the Board continues to give attention to the synergies and partnerships among United Nations agencies and programmes in the area of technical cooperation in the field of human rights. Through the discussions with United Nations Resident Coordinators and representatives of other United Nations agencies and

programmes in Cambodia, Mauritania, Mexico, Tunisia and most recently in Ukraine, the Board has had the opportunity to observe how the United Nations system-wide commitment to human rights, as grounded in the Charter of the United Nations, is reflected in the programmes on the ground supporting national development processes.

39. The Board has had many opportunities in recent years through its field sessions to observe and discuss in situ with relevant partners, including United Nations agencies and programmes and national and international partners, the impact and tangible results that human rights mainstreaming efforts across the United Nations work on the ground have yielded. The developments achieved to date equip the United Nations on the ground to respond more effectively to the exciting challenges ahead as the world transits from the Millennium Development Goals to the new Sustainable Development Goals and the 2030 Agenda for Sustainable Development.

40. Discussions held with resident coordinators in many countries revealed that, while there had undoubtedly been important results in the full application of the human rights-based approach as a programming principle for the United Nations, there was still an undeniable need for guidance on its implementation. The recent Guidance Note on Human Rights for Resident Coordinators and United Nations Country Teams, issued by OHCHR in collaboration with the United Nations Development Group Human Rights Working Group and the United Nations Development Coordination Office, certainly represents an important technical tool to support them in this direction. The Board also found particularly important the materials and guidance on concrete actions based on good practices that resident coordinators and the United Nations country teams could undertake to meet the human rights responsibilities and assist national efforts.

C. Measuring results of technical cooperation, and the response of the Office of the High Commissioner

41. At its most recent sessions in Geneva, in 2014 and 2016, the Board was briefed on OHCHR progress assessments of programmes in the field, including programmes that are being covered by the Fund. The Board welcomed the information received on the progress of such evaluations, and was pleased to learn that the visits of the Board to the field presences and the outcomes and reports of the visits were proving useful in the preparation of the framework for these evaluations. This has been the case, for example, in Mexico. For technical cooperation to be effective, monitoring and evaluation and the assessment of the results achieved are critical. For this reason, the Board welcomes the efforts of OHCHR in the area of evaluations and encourages it to continue to take advantage of the Board's views when useful for strengthening the technical cooperation components of its programmes.

42. The Board continues to regard the OHCHR performance monitoring system as particularly useful. The Board has observed how the system and the information gathered is of great value, not only for planning, monitoring and reporting, but also for enabling data-based analysis that can inform management decisions and optimize the allocation of financial and human resources. The Board has observed in its field visits how the system is fully used by all planning entities; in the sessions held in Geneva, it has also been impressed by how all planning entities are interlinked, thus ensuring greater coherence and mutual contributions towards jointly defined results.

43. The Board welcomes the Office's continuous efforts to ensure the full functioning and use of the system. The Board has already drawn attention to the need to ensure that the financial module is fully functional, and has discussed with relevant OHCHR staff the importance of interfacing the system promptly with the implementation of UMOJA. The Board encourages the United Nations Secretariat to support OHCHR in ensuring that the

implementation of UMOJA does not undermine the excellent performance of the OHCHR performance management system, but strengthens it further.

D. Main findings, challenges identified and recommendations

44. The Board has continued to engage with relevant parts of OHCHR regarding the technical cooperation components of each of the OHCHR thematic strategies and to provide advice on their implementation within the 2014–2017 programming cycle.

45. The Board considers that technical cooperation in the field of human rights has substantially advanced in recent years. What is needed now is an improved understanding of the type of technical cooperation that OHCHR can and is best placed to provide, taking into account its mandate and expertise. The Board very much hopes that its views regarding the components of effective technical cooperation and the outcomes of its sessions can help to strengthen this understanding. This is particularly important in view of the critical support that the Office can provide, as described in the present report, in the review of national development objectives in the context of the 2030 Agenda and other important international initiatives, such as Human Rights Up Front. The Board has been pleased to learn from national partners about the key contributions that OHCHR has been able to provide when it has a presence, and when the presence is properly staffed and financed, and has a framework of operations that adequately represents the High Commissioner's mandate.

46. The Board encourages States to continue to work with OHCHR in implementing innovative approaches and replicating and sharing good practices and lessons learned across regions. This is critical to continue strengthening the human rights programme. The Board notes that an increasing number of States are openly acknowledging the role and support of the OHCHR field presences during the thematic panel discussions on technical cooperation at the sessions of the Human Rights Council. Such positive recognition should be translated into more substantial and sustained funding for OHCHR to be able to adequately support States in the promotion and protection of human rights.

47. The adoption of the 2030 Agenda and the Sustainable Development Goals, with their strong and explicit human rights-based approach, requires a new understanding of what constitutes official development assistance (ODA). The Board is of the strongly held view that all the contributions to OHCHR should now be treated as ODA in view of the critical importance that all its work has for sustainable development and the achievement of the 2030 Agenda.

IV. Status of funding and donors

48. At its meeting in Geneva in February 2016, the Board was updated on the overall financial status of OHCHR and the 2015 financial situation of the Voluntary Fund for Technical Cooperation in the Field of Human Rights. The Board also discussed and analysed the funding projections and proposed workplan for the Fund for 2016. Its considerations were made difficult because of the uncertainties relating to the end-of-year financial situation owing to the introduction of UMOJA. Nonetheless, it was clear that, despite expenditures under the Fund being significantly reduced in 2015 compared to 2014 in line with the actions of the Office to limit its funding gap, requests for technical cooperation and expenditures continued to exceed the voluntary contributions made in 2015.

49. In 2015, the total expenditure of the Voluntary Fund for Technical Cooperation in the Field of Human Rights amounted to $17.4 million, substantially less than in the

previous year. The reductions were due to the termination of or substantial reduction in a number of programmes previously covered by the Fund, including those in Ecuador, the Republic of Moldova, Togo and Kosovo.[4] The Fund received a total of $13.1 million in voluntary contributions, of which $8.2 million were earmarked and $4.8 million were allocated to the Fund from unearmarked contributions to OHCHR. The resulting deficit at the end of 2015 was covered from existing reserves. During this period, the Fund continued to provide resources for technical cooperation to build strong human rights frameworks at the national level in 30 regions, States and territories. This included support for 15 human rights advisers (Chad, Ecuador (closed in June), Honduras (discontinued after the opening of a country office), Kenya, Madagascar, the Niger, Papua New Guinea, Paraguay, the Republic of Moldova, the Russian Federation, Rwanda, Serbia, South Caucasus (Georgia), Sri Lanka and Timor-Leste), 9 human rights components of peace missions (Afghanistan, the Central African Republic, Côte d'Ivoire, Guinea-Bissau, Haiti, Liberia, Libya, Somalia and the Sudan (Darfur)) and 6 country stand-alone offices (Bolivia (Plurinational State of), Kosovo (closed August), Mauritania, Mexico, Togo (closed end of June) and State of Palestine). Details of contributions and programmes are provided in the annual report of OHCHR for 2015.

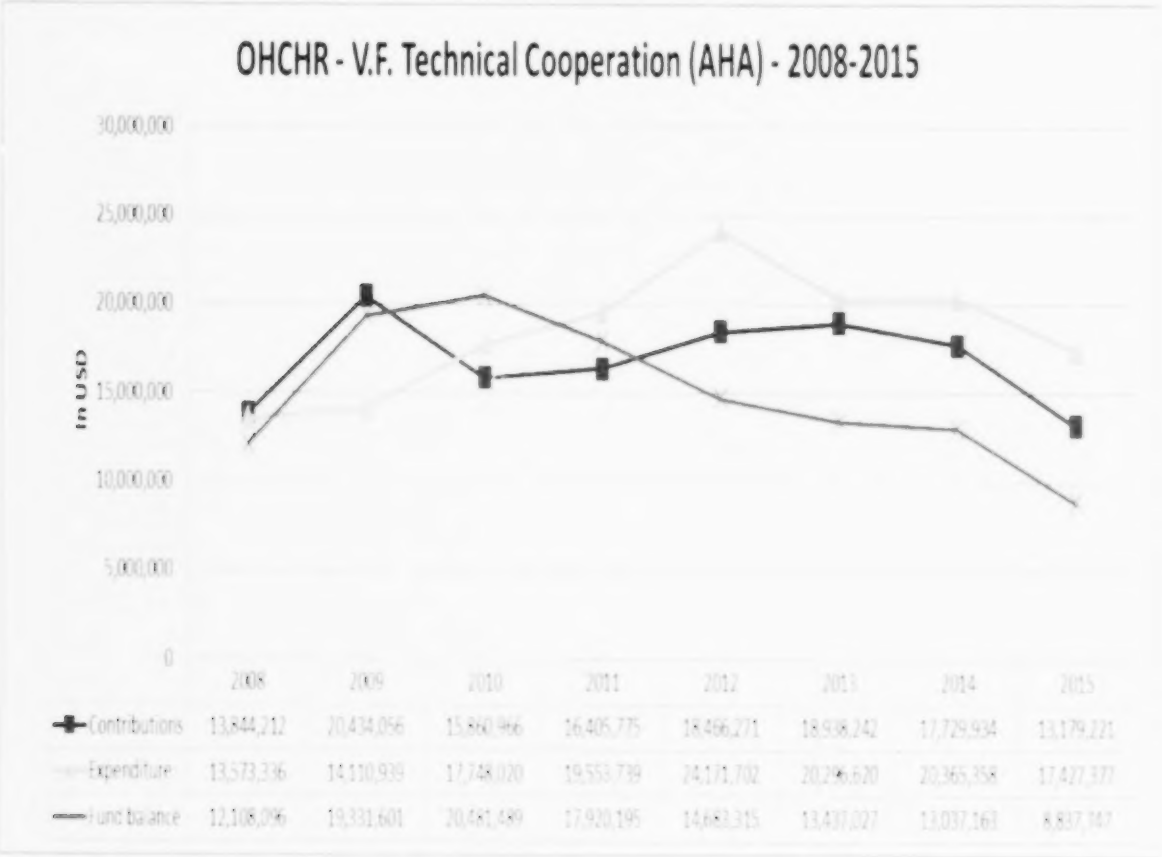
50. Through the Fund, the Office has facilitated efforts made at the country level to incorporate international human rights standards into national laws, policies and practices, and contributed to the establishment and strengthening of national capacities to adhere to these standards. Strengthening the administration of justice and increasing capacities to promote gender equality and women's rights have also been the focus of numerous programmes receiving support from the Fund. The establishment and functioning of responsive national human rights institutions compliant with the Paris Principles and human rights education programmes continued to receive support. United Nations resident coordinators and country teams have also seen their human rights capacity strengthened by the deployment of human rights advisers. Detailed information on income and expenditure under the Voluntary Fund, its financial status in 2015 and a list of donors and contributors are annexed to the present report (see annexes II – IV).

51. The Board continues to emphasize the importance of ensuring sustainable increased contributions to OHCHR and to the Fund.

[4] Reference to Kosovo should be understood to be in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

Annex I

Voluntary Fund funding and expenditure trends: 2008 to 2015



Annex II

Voluntary Fund cost plan and expenditure: 2015

Human Rights

OHCHR EXTRABUDGETARY RESOURCES

Voluntary Fund for Technical Cooperation - Status of cost plan for 2015

900	V. F. for Technical Cooperation (AHA)		Cost plan 2015 (USD)			Expenditure 2015
Donor Number	Field Operations & Technical Cooperation Division	Number of staff	Staff costs	Activities	Total	Total USD
	(a) Human Rights Advisers in UNCT (16) *					
		9			1,050,367	644,097
		5			712,750	714,658
		2			230,805	236,324
		16			1,675,004	1,619,737
		5			487,730	481,121
		5			520,088	400,305
		5			660,405	548,111
		1			74,645	50,169
		5			593,562	552,780
		5			475,422	359,045
		1			59,507	46,253
		5			572,498	535,766
		3			221,526	141,690
		5			975,876	774,943
		2			176,824	44,864
		1			130,959	185,277
		5			224,244	174,159
	sub-total HR Advisers	*86*	*5,501,420*	*3,239,192*	*8,740,812*	*7,479,269*
	(b) Human Rights Components of UN Peace Missions (7)					
					89,327	63,224
					264,985	244,057
					186,843	179,951
					68,874	68,719
					73,281	73,189
					176,337	176,337
					70,659	70,659
					109,818	109,818
					168,275	118,331
	sub-total Peace Missions	*0*		*1,398,399*	*1,398,399*	*1,102,745*
	(c) Country / Standalone Offices (16)					
		9			1,059,300	635,628
		10			829,002	827,614
		20			2,965,235	2,679,653
		8			575,062	580,769
		11			1,686,633	1,806,074
		15			2,429,786	2,436,636
		6			253,917	306,267
	sub-total Country / Standalone Offices	*82*	*7,679,427*	*2,119,614*	*9,799,041*	*9,342,661*
	Sub-Total	167	13,180,842	6,567,405	19,748,254	17,444,663
	Total (including UN PSC)		19,748,254			88%

Annex III

Financial status of the Voluntary Fund: 2015

Office of the High Commissioner for Human Rights
United Nations Voluntary Fund
for Technical Cooperation (AHA)

Statement of Income and Expenditure
for the period 1 January - 31 December 2015
(Preliminary closing)

I. Income	USD
Voluntary contributions in 2015	13,179,220.84
Loss on exchange (on contributions)	-108,402.67 **
Miscellaneous and interest income	77,993.85
Total income	**13,148,812.12**

II. Expenditure */	USD
Staff costs (including consultants)	11,408,170.80
Travel of Staff/Representatives	433,271.07
Contractual Services	445,234.51
General operating expenses	1,239,327.13
Supplies & Materials	304,268.39
Grants, contributions and seminars	1,496,234.45
Programme Support Costs	1,992,448.43
Total expenditure	**17,318,974.78**
Net excess/(shortfall) of income over expenditures for the period	**(4,170,162.66)**
Opening Balance 1.01.2015	**13,037,163.50**
Miscellaneous adjustments/savings/refunds to donors	**(3,732.00)**
Loss/gain on exchange	**(25,521.73)**
Total fund balance as at 31.12.2015	**8,837,747.11**

/ Includes disbursements and obligations

** *Loss on exchange will be recorded as expenditure in the UNOG financial statements*

Estimated Net funds to be made available for activities in 2016	6,904,490.00
PSC (13%)	897,584.00
Operating reserve (15%)	1,035,673.00
Total funds available for 2016 (with PSC & Op. reserve)	**8,837,747.00**

Annex IV

List of donors and contributors: 2015

Voluntary Fund for Technical Cooperation (VFTC)

Voluntary contributions in 2015 *(as at 31 December)*

Donor	US$	Earmarking
[illegible]	711,481	VFTC
[illegible]	100,000	VFTC
[illegible]	848,350	VFTC
[illegible]	30,841	VFTC
[illegible]	1,554,604	VFTC
[illegible]	1,250,000	VFTC
(a) total contributions earmarked to VFTC	4,566,082	
[illegible]	109,048	Timor-Leste
[illegible]	106,548	Papua New Guinea
[illegible]	72,696	Sri Lanka
[illegible]	133,990	Côte d'Ivoire
[illegible]	81,335	HRMM Ukraine
[illegible]	19,067	Côte d'Ivoire
[illegible]	30,924	Bosnia-linked project adjustment final 2014 payments
[illegible]	44,855	Mauritania
[illegible]	80,800	Mauritania
[illegible]	12,595	HRMM Ukraine
[illegible]	90,683	Mexico
[illegible]	24,401	Chad
[illegible]	35,344	Togo
[illegible]	22,500	Haiti
[illegible]	9,300	Madagascar
[illegible]	52,268	HRMM Ukraine
[illegible]	400,000	Russian Federation (consolidation of the Human Rights Master Programme)
[illegible]	140,833	Kenya
[illegible]	50,000	OPT Office in East Jerusalem (adjustment reduction pledge 2014)
[illegible]	200,000	HRMM Ukraine
[illegible]	39,994	Maldives
[illegible]	1,000,000	American projects
[illegible]	500,000	Sri Lanka
(b) total contributions earmarked to specific projects	3,727,662	
[illegible]	4,885,277	Unearmarked
(c) total unearmarked funds	4,885,277	
TOTAL (a) + (b) + (c)	**13,179,221**	